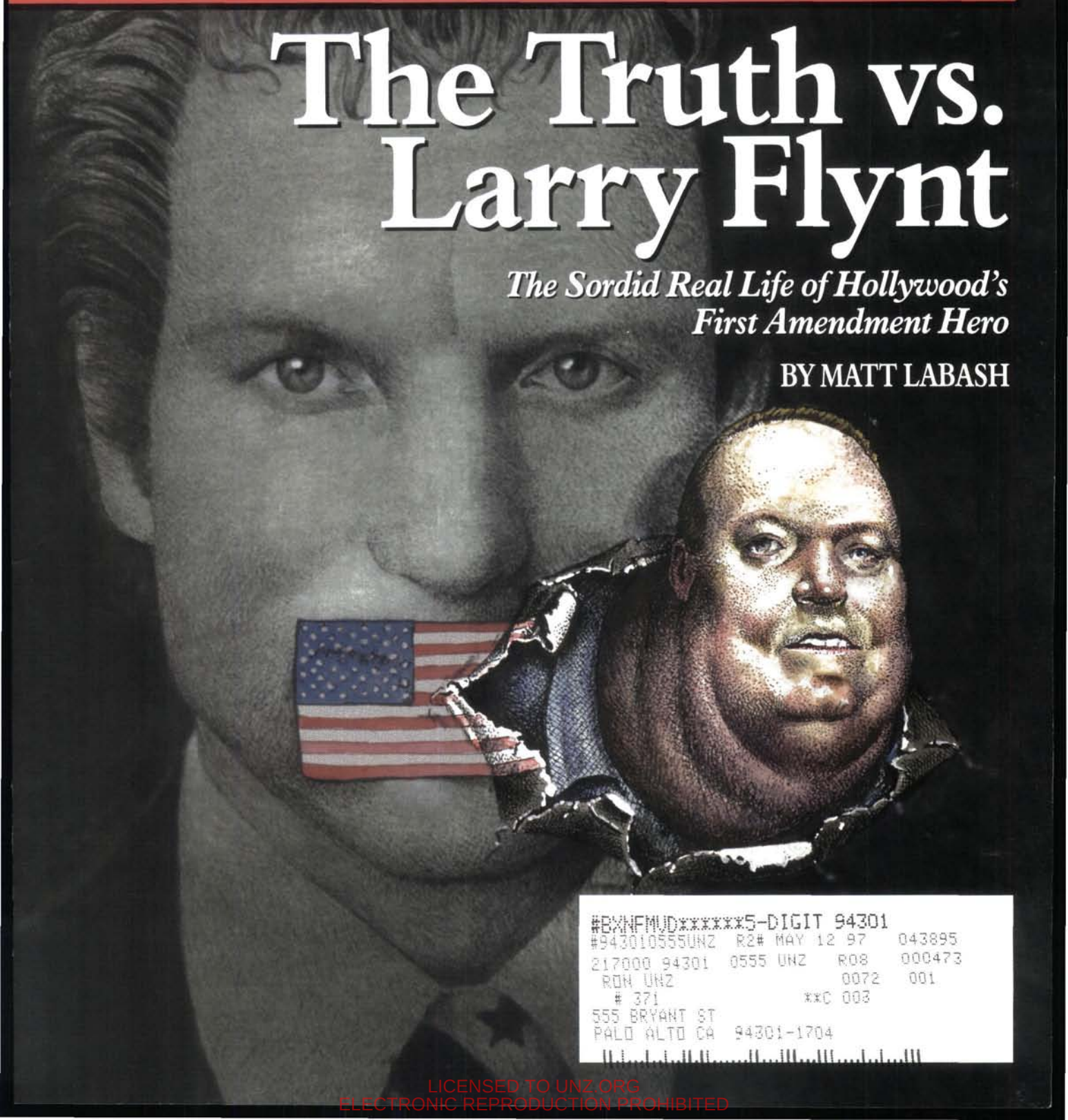
the weekly
Standard

FEBRUARY 17, 1997 $2.95

The Truth vs. Larry Flynt

The Sordid Real Life of Hollywood's First Amendment Hero

BY MATT LABASH



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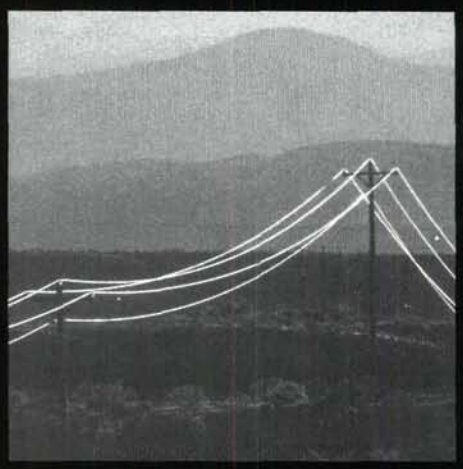
One year after the Telecommunications Act became law—

The continued growth of the Internet demands quality local phone networks.



The local phone network... a national asset that depends on investment by companies who use it.

MCI and AT&T want to provide local phone service...but only to businesses and the wealthiest 30% of Americans.

Those who live and work in rural areas rely on the local phone network to reach the information superhighway, even from the end of a dirt road.

Americans are depending on the FCC to get it right.

A year ago Congress got it right by passing the Telecommunications Act, promising a burst of new investment and fresh competition in all telecommunications services.

One year later, America's local phone companies are doing our part. We've already negotiated more than 440 agreements to open local phone service to new competitors. And we've continued to invest $20 billion a year to make the best phone network in the world even better.

What about the big long-distance companies like MCI and AT&T? They've said their plans for local phone service will focus on businesses and the wealthiest 30% of consumers. That's their business.

But they also want the FCC to let them do it without paying the real costs of using the local phone networks everyone else depends on. In fact, the big long-distance companies now want to cut their support for universal phone service by $10 billion.*

That's your business. Because the reliable, universal phone service Americans have come to expect depends on every company using the local phone network also investing their fair share to keep it strong.

It's up to the FCC to make sure that the benefits of telecommunications reform reach all Americans, not just a lucky few.

That's why millions of Americans are depending on the FCC not to let the big long-distance companies off the hook.

AMERICA'S LOCAL PHONE COMPANIES—

dedicated to keeping our phone network the best in the world.

*Filed in comments to the FCC by AT&T Corp. and by MCI Corp. on Access Charge Reform, January 29, 1997.

U.S. Telephone Association / 1401 H Street, NW / Washington DC 20005

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Double Double Toil and Trouble . . .

Newt Gingrich has bigger problems than being attacked by Republicans like Bill Bennett who don't like his coziness with Jesse Jackson.

Problem Number 1: fellow Republicans in the House leadership. Whenever the leaders gather with Gingrich, there's tension in the room. The reason is the others have lost confidence in Gingrich, at least for now. Rather than being upset over Senate majority leader Trent Lott's emergence as the GOP point man in dealing with President Clinton, they're delighted it's not Gingrich in that role. Privately, some think he won't be speaker a year from now.

Problem Number 2: rank-and-file members. They're no longer in awe of Gingrich. One associate of Gingrich offers the three-bullet theory to explain their feelings. They took one bullet for Gingrich last year by standing by him in the election. They took another in January by reelecting him speaker. They won't take a third if, say, Gingrich creates a firestorm by declining to pay his $300,000 ethics fine out of his own pocket.

Gingrich jokes, meanwhile, have begun to circulate on Capitol Hill—among conservatives, no less.

Q: Newt was so pleased with his State of the Union outreach, who will he now name as head of his task force on legal reform? A: O.J.

Newt Goes A-Courtin'

And speaking of Jackson, Gingrich didn't help himself with Republicans by his comment to the *Los Angeles Times*. Defending his invitation to Jackson to sit in his box during the State of the Union address, the speaker said: "I'm courting every American of any background." Implicit was the notion that Gingrich's critics objected to Jackson only because he's black, rather than because he is a left-wing demagogue and sworn political foe of long standing.

The invitation seems to have been part of a courtship ritual on Gingrich's part, a reciprocation for Jackson's having hosted Gingrich on his television talk show, the only such venue Gingrich has appeared on since the election. And like the elaborate mating dances of certain spider families, this one, we think, has a foreordained outcome.

Jesse Jackson, you see, rejects Newt Gingrich and all his works. Just after the '94 election, he said that Gingrich had "declared war on the poor." But not to worry, Jackson added: "We survived George Wallace. We survived [segregationist senator] Bilbo. We'll survive Newt Gingrich." And at a Jackson-organized march in May 1995 dubbed "From Newt's Nightmare to Dr. King's Dream," Jackson urged his followers to oppose the speaker's "hateful, hurtful rhetoric" and then, with no hint of irony, warned the speaker that "the hostility, the hurt, the scapegoating, the name-calling has to stop." At last year's Democratic convention, Jackson praised President Clinton as "our first line of defense against Newt Gingrich's Contract on America, a right-wing assault on our elderly, our students, and our civil rights."

What's more, when Jackson called it "an insult" that Bob Dole and Newt Gingrich did not attend the funeral of commerce secretary Ron Brown, who do you suppose returned fire? Freshman Republican J.C. Watts, who decried "the politicization of this tragedy . . . by Mr. Jackson or anyone else."

Appeaser of the Year

Not to be outdone by the Beijing-friendly Clinton State Department, Democratic senator Dianne Feinstein of California now weighs in with a true masterpiece of China-related moral equivalence. According to a short item in the February 5 *Los Angeles Times*, Sen. Feinstein recently gave a speech at the Asia Society on the question of human rights in Sino-U.S. diplomacy. It is a difficult issue, Feinstein believes. It requires study.

She proposes that our two nations study together. President Clinton and his Beijing counterparts, Sen. Feinstein told the Asia Society, should appoint a bilateral commission to chart "the evolution of human rights

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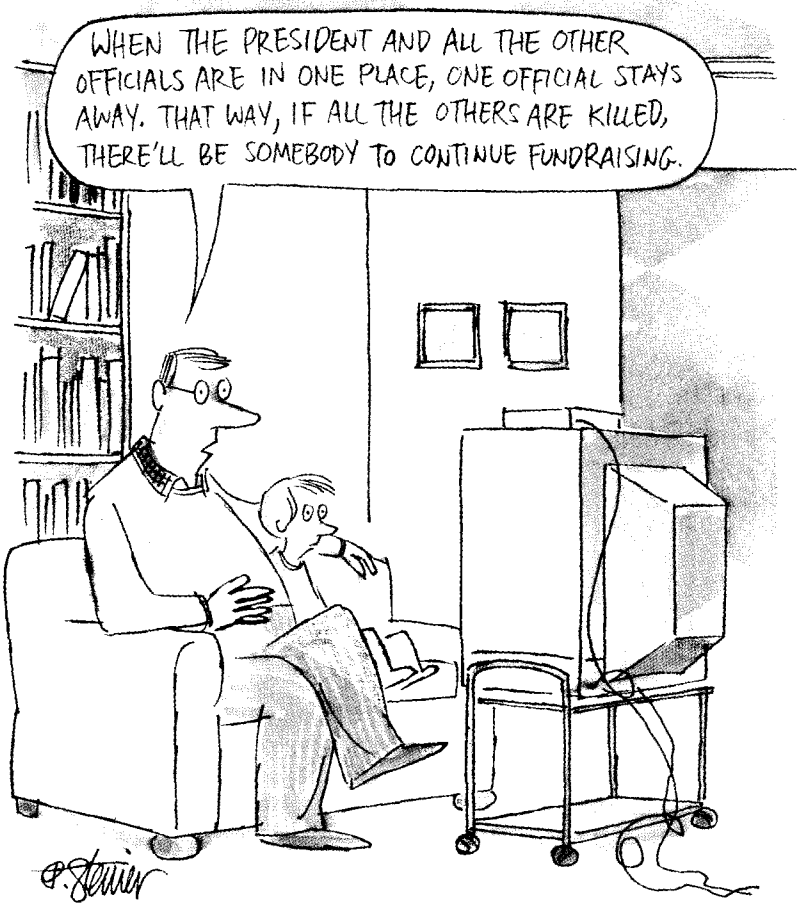

in both countries over the last 20 to 30 years." Perhaps you thought this comparison had long since been resolved—by free elections and that sort of thing—in America's favor. You thought wrong. The commission she proposes, the senator said, "would point out the successes and failures" of both sides: "both Tiananmen Square and"—are you ready?—"Kent State."

So Ohio national guardsmen, operating on the spur of the moment and without authority, open fire on Vietnam-era protesters in 1970, killing four of them. Chinese Red Army officers, in battle tanks, slaughter several hundred democracy advocates, on politburo instructions, in 1989. And a United States senator from California talks as if there's no difference—between those specific events, or between the national political systems in which they took place.

Dianne Feinstein wins top honors in our 1997 Appease China Sweepstakes. She will retain her prize until some other fool (inevitably) says something even dumber.

White House Sexism

The antennae of the sexism police should have tingled last week when White House press secretary Mike McCurry was describing a chat between the president and the new secretary of state. Referring to the recently unearthed information about Madeleine Albright's Jewish grandparents who were killed in Nazi camps, McCurry told a group of reporters, "The president said it was a fascinating story and encouraged Madeleine to find out more." The president and Madeleine? The secretary of state as Madeleine? Did Ron Nessen speak of "Henry," Jody Powell of "Cy," Larry Speakes of "George," Marlin Fitzwater of "Jim"? And while he was at it, why didn't Mike give the world's top diplomat a little pat on the rump and murmur, "Good girl"?

Okay, look, we couldn't care less, except to point out that if a conservative Republican press secretary had referred to the country's first female secretary of state that way, all the right-thinkers would have gone bonkers.

Come Work Here

The Weekly Standard is soliciting applications from college seniors or recent graduates for a one-year paid fellowship as an editorial assistant, beginning in mid-July. Responsibilities include editorial research and some writing. The deadline for applications is April 1, and preference will be given to those who have worked on college newspapers, including conservative student publications. Applicants should send a résumé and at least three clips that show their writing and reporting skills to The Weekly Standard, 1150 17th Street, NW, Suite 505, Dept. MRR, Washington, DC 20036.

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Casual

It Rings—You Jump

The story is told about Degas dining at the home of his contemporary, the painter Jean Louis Forain, a 19th-century gadget freak who had one of the first telephones in Paris. Forain gleefully showed his phone to the grumpy and greatly unimpressed Degas. During the meal, the telephone rang, and Forain leapt from the table to answer it. "Ah, the telephone," Degas is reported to have remarked, "now I understand: It rings, you jump." Degas was a harsh reactionary, and a pretty good anti-Semite in the bargain, but I am coming to take his line on the subject of the telephone.

Please know that I am a man who has two lines and five phones in a six-room apartment, a car phone, an answering machine, and the ambiguous little service known as "call-waiting." I do not yet walk around with a cellular phone in my pocket, and, in what I am sure will be the not-too-distant future, I plan to eschew the possibility of a telephone implant.

I used to be a phone fan. I am old enough to go back to people having what were called "party lines," which weren't the position of the American Communist party on the Scottsboro boys but the sharing between two or more families of a single telephone line. I remember a man from the phone company coming to our apartment every month to count, with great flourish and rapidity, the nickels we inserted to make our calls. I recall, too, the mixture of pleasure and economic terror when long-distance calls were made or came in. The art of the long-distance call was to say everything that had to be said in under three minutes.

But nowadays the entire phone game, for all its added convenience, seems to have got wildly out of hand. In the past few years, I have had three different area codes: the pleasing 312, the rhythmic 708, and (currently) the hopeless 847. I have yet to master the etiquette of call-waiting. No matter how charming the person I am talking to, when I hear that little call-waiting bleep, I feel I must be off, for my next caller just might be more charming still.

Although I can myself be a telephone schmoozer of major-league quality, sometimes, if a phone conversation goes on too long, I am pleased that the little bleep calls me away. Only on rare occasions, to get rid of a caller even more garrulous than I, have I straight-out lied and said, "Oh, hell, there's my call-waiting. I'd better run."

Answering machines allow the strange twist of calling someone you don't wish really to speak with and hoping instead to get his or her answering machine. I get a call every few years from a woman who always begins, "Oh, Joe, you're there!" Is she, I wonder, hoping for my machine and disappointed to get me?

When I see people talking on cellular phones in restaurants I find myself mildly ticked off, though I am somehow able to restrain myself from sending the waiter around to their tables with copies of *Walden*. More and more people seem to have cellularized themselves. The other day I was with a man who had to transfer his phone from his right hand to his left to shake hands with a cousin who had to do likewise with his phone. A good friend of mine used to bring his cellular phone to lunch with me in a Chinese restaurant so that he could check closing stock-market prices. "Ah, Mitter Rosenfield," the owner of the restaurant one day asked him, "how da mahket?"

What comes closest to driving me back to Western Union, not to say the Pony Express, however, are the new telephone menus that greet you with a long list of options, none of which, it is almost certain, is likely to fit your requirements. Banks and other large institutions seem to have this down nicely. The other day I called the *New York Times* to speak to a man named Goldberg. After being put through the menu and tapping a couple of different digits, I was finally instructed to tap in the last name of the person I was trying to reach. It turns out there are 19 people named Goldberg working at the *New York Times*. It's enough to cause a simple country boy to get rid of his touch-tone phone.

At another, much smaller firm, none of the menu items met my needs, so I was directed to tap in 0 for the operator. Instead of the operator, however, I kept getting the voice-mail of someone named Kathy. Discouraged, I hung up. When the woman I was attempting to reach called me, I explained my trouble in getting through her telephone system. "I tried for the operator," I said, "but I kept getting someone named Kathy." "Oh," the woman said, "she is the operator, but just doesn't like to be called that. It's an identity thing, I guess." Just then I remembered the final convenience of the telephone: the use of my twelve-foot phone cord for strangulation.

Joseph Epstein

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Mark Fuhrman

finally breaks his silence . . .

After two years of virtual silence, Detective Mark Fuhrman has written the first nothing-to-lose, no-holds-barred account of the O.J. Simpson murder investigation. *Murder in Brentwood* unveils fact after never-before-revealed fact.

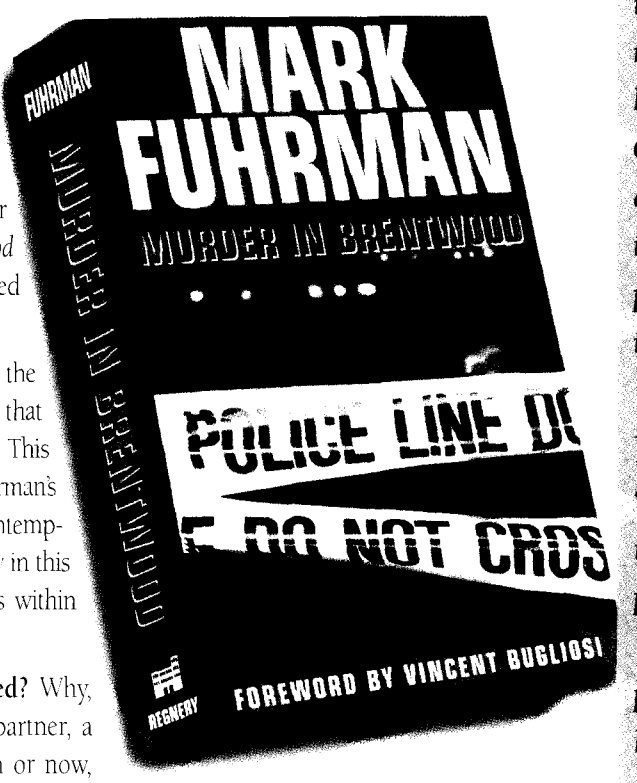
Fuhrman discloses, for instance, the one unimpeachable piece of evidence that could have put O.J. away for life. This evidence was corroborated by Fuhrman's partner and also by Fuhrman's contemporaneous notes—reprinted exclusively in this book—which were given to his boss within hours of the murders.

Why wasn't this evidence used? Why, for that matter, wasn't Fuhrman's partner, a man with no cloud over him, then or now, ever called to testify?

The "mystery" detective's name? Brad Roberts. You've probably never even heard of him, yet he can corroborate virtually everything Fuhrman saw (and much more). Why was he never even called as a witness? You will be disgusted with the answer.

> *Even if Fuhrman's testimony were in question, why wouldn't the prosecution immediately move to corroborate his damning story by using the testimony of Fuhrman's partner?*

Murder in Brentwood focuses on the O.J. case, but you will also learn a side of Mark Fuhrman few people know.



A saint? Hardly. A good detective? Without question. Here's a man who was awakened at 1:05 a.m., called to a double homicide scene, did absolutely nothing wrong during the entire investigation—did absolutely everything *right*—yet had his life ruined because of it.

Given the intense pre-publication interest in this book, and the already confirmed TV appearances by the author (with Diane Sawyer, Oprah, Larry King, and many others), we expect book shortages in many stores. Most bookstores will reserve a copy in your name. Or you can order one today by calling 1-800-955-5493.

Mark Fuhrman, rogue cop? Or wronged detective? Decide for yourself... after reading *Murder in Brentwood*.

From Vanity Fair

"Latin and Black officers who worked with him attested to his skill and said in later interviews that they saw no racist underpinnings in him. . . . The Los Angeles County public defender's office last year revealed no indications that he had lied, planted evidence, or engaged in racial slurs."

— H.G. BISSINGER, *VANITY FAIR*

From Vince Bugliosi

"A terrible, perhaps irrevocable, injustice has been perpetrated against Mark Fuhrman and all fair minded people can only hope that this book is Mark Fuhrman's first step in a successful effort to rehabilitate his image with the American people."

— FROM THE FOREWORD OF *MURDER IN BRENTWOOD*

From the Author

"This is not a book of justification or excuse but one of truth. It is not an easy task for me, for all of us hide portions of our lives that we hope will never be judged by our neighbors, let alone the world. . . ."

— FROM THE PROLOGUE, BY MARK FUHRMAN

WS-FUHR

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Nasty Nuances and CCRI

In "The Nuance Excuse" (Feb. 3), Thomas Sowell chides me, a long-time critic of racial preferences, for being "missing in action" during last year's campaign for the California Civil Rights Initiative (CCRI). I plead "guilty" to the charge of having been ambivalent about the colorblind absolutism of CCRI. But preferences can and should be rolled back without a constitutional mandate that state actions be, in every instance, purely colorblind. Sowell misrepresents my reasons, spelled out at length in a *New Republic* article, for adopting this inconveniently "nuanced" position. To set the record straight, I list them briefly below:

1. The effective discharge of some government functions requires that cognizance be taken of citizens' racial identities (for example, the making of undercover police assignments). In the limited range of cases where this is so, efforts to ensure a modest degree of racial diversity in a public workforce may be justified. (So held the conservative federal judge Richard Posner in a 1996 opinion about the hiring of prison guards, *Wittmer, et al.* v. *Peters, et al.*) CCRI denies to public agencies the flexibility needed to handle such cases.

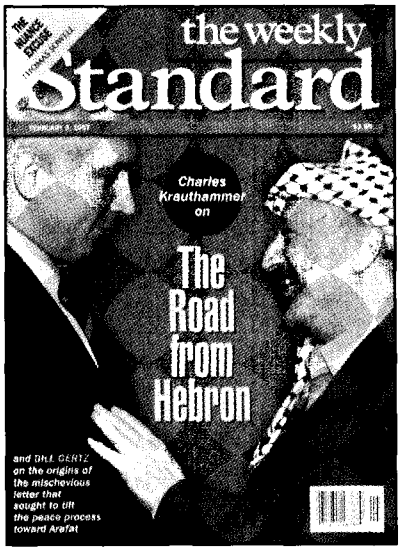
2. CCRI apparently outlaws the use of race as an explicit factor in the recruitment of public employees. Yet, serious enforcement of anti-discrimination laws must inevitably lead to recruitment and outreach efforts undertaken with the intent of attracting black applicants (who are then judged in a race-neutral manner). That employers (public or private) with unusually few black workers should be asked to document their efforts to attract blacks is but a prudent and necessary concomitant of a public commitment to non-discrimination.

3. While extreme black poverty does not justify preferences, it does expose as morally inadequate the "race is irrelevant" complacency of the colorblind absolutists. The geographic, social, and cultural isolation of the black underclass is intimately connected to our nation's racially troubled history. Yet, the underlying logic of CCRI denies that government has any responsibility to reduce the gap in development between black Americans and others in society. Sowell thinks that if the factors holding back poor blacks are "internal" instead of "external," then there is no appropriate role for government. I disagree.

Here, then, are the basic elements of my "nuanced" position on affirmative action. Am I to understand that there is no room for such thinking in the conservative movement?

GLENN LOURY
BOSTON, MA

THOMAS SOWELL RESPONDS: *Glenn Loury's letter fails to address the central point in my criticism of those who talk about "nuances"—we can make*



our choices only among the alternatives actually available, no matter how many more options we wish were available. Affirmative action's long history of deception and surreptitious double standards, including the "race norming" of test scores, makes it painfully clear that you are either going to ban group preferences and quotas in unmistakable terms or you are just wasting your time. So long as Professor Loury uses soothing, sloppy words like "diversity" and "social justice," as he did in his New Republic *article, he leaves an escape hatch as wide as a six-lane highway, reducing the "repeal" of preferences and quotas to empty verbiage.*

Since the Civil Rights Act of 1964, with wording virtually identical to that of the California Civil Rights Initiative, has not presented the insuperable problems for the police that Loury suggests, I see no reason to imagine that CCRI will. Moreover, 33 years after the Civil Rights Act, and with blacks widely represented at many levels in innumerable industries, the "outreach" argument is really reaching.

In the end, you are either going to have individual rights, with people all playing by the same rules and being judged by the same standards, or you are going to have group rights with preferences and quotas. When Loury opts for government monitoring of employers' racial statistics and for laws and policies based on gaps between groups, then he has bought the key assumptions behind affirmative action. Deploring the consequences that follow is an exercise in inconsistency or cosmetics.

Loury's closing question is a curious one, since I have never been a gatekeeper for any movement. If he wants to run with the rabbits and hunt with the hounds, then it is up to the rabbits and the hounds as to what they want to do.

Thomas Sowell seems to believe the world is divided up into "good guys" and "bad guys." It's *High Noon* (his term) from start to finish. But the world isn't like *High Noon*. Good and bad are often mixed. Clear-cut solutions like gunning down the bad guys are hard to come by for most of us.

It may be "nuanced nonsense" to Sowell, but I don't think affirmative action is just a matter of Yes or No. There are many types of affirmative action, not all of them bad. Nor does every one of them always result in reverse discrimination. Sowell says my call for an affirmative action that falls between "None at all" and "Too much" is the equivalent of removing the 65 MPH signs. Talk about nonsense. I want an affirmative action that is bounded because it recognizes what is too much and what is too little.

I see nothing wrong in principle with saying that quotas are forbidden and also believing that some consideration of race is permissible. But Sowell and the supporters of Proposition 209 say that race should never be taken into account—not for any reason. Period. I am uncomfortable with absolutes.

I am especially troubled by Sowell's intolerance for contingency and approximation. It's as if he's forgotten

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the conservative virtues of prudence and pragmatism. Even a conservative like Richard John Neuhaus, who favors a colorblind society, understands that "sometimes taking race into account is appropriate and necessary." What he doesn't tell us is when that "sometimes" is—which is the sort of question we are debating.

I wonder if Thomas Sowell is aware that, in revealing his libertarian sentiments, he frequently emerges as an ideologue who seems determined to force everything into a preconceived procrustean bed.

JOHN H. BUNZEL
STANFORD, CA

THOMAS SOWELL RESPONDS: *Over the years, the phrase "affirmative action" has acquired so many different and contradictory meanings that this term is mentioned nowhere in the California Civil Rights Initiative, rather than have the discussion of preferences and quotas get bogged down in the kinds of obfuscations over this phrase exemplified by John Bunzel's letter. The issue is one of substance, not semantics: If you are not going to ban group preferences and quotas outright, then they are going to continue* sub rosa, *just as they arose* sub rosa *in the first place. When we are talking about laws and government, we are not talking about nuances. Bunzel may congratulate himself on being more-nuanced-than-thou in what he prefers but, while you may* prefer *anything you wish, you cannot* do *anything you wish—certainly not through crude instruments like laws and government. The failure to understand this underlies innumerable sad "unintended consequences" in our social policies and even more tragic consequences in those in countries where government has been given more power.*

The caricatures of my position in Bunzel's letter go beyond even the usual generous allowance for hyperbole in polemics. To say that there comes a time for decision is not to say that all the world consists of good guys and bad guys or that all 24 hours of the day are high noon. Nor are they all twilight. As for the movie High Noon, *when a work of fiction becomes an enduring classic symbol, it is often because of something important that it tells us about the world of reality, including people who are not there when crunch time comes. Those of us whose careers have been in academia have seen it all too often. A recent poll showed that most professors are opposed to racial preferences in college admissions, but how many have you heard say it out loud? Worrying about how one's image "emerges," to use Bunzel's term, has apparently become more important to some than the rights and wrongs—or the consequences for American society of continuing such polarizing policies.*

HYPERBOLIC BACKWARDNESS

Elliott Abrams ("Why are the Latins 'Backward'?," Feb. 3) misses a central theme in his review of my book, *The Pan-American Dream*. An overriding issue is whether a Western Hemisphere community, comparable to the European Union, is feasible given the cultural divide that separates Latin America from the United States and Canada. Abrams ignores that issue, one to which narcotics-trafficking and immigration are indeed relevant.

Abrams overstates the significance I attach to Protestantism as an engine of cultural change in contemporary Latin America. The number of Protestants (most are Pentecostal) has grown rapidly in recent decades to about 50 million, or more than 10 percent of Latin America's total, and there is a presumption, but so far only anecdotal evidence, that Protestants are more committed to values like education, the work ethic, and community than Catholics. But some secularized Catholic societies, e.g., northern Italy, Spain, and Quebec, have achieved political pluralism and prosperity in this century, and I don't consider the Protestantization of Latin America indispensable to its progress.

One bizarre consequence of Abrams's hyperbole is the strange bedfellow he has assigned me: Jerry Falwell. I am Jewish and a lifelong Democrat.

Abrams may leave the impression that I am an unalloyed immigration enthusiast. It is true, for example, that Brazil has clearly benefited from large numbers of German (not Swiss), Italian, and Japanese immigrants. But, as recent alarming data about growing Hispanic poverty in the United States underscore, heavy immigration into the United States from Latin America makes it vastly more difficult to solve the problems of poor citizens, most of whom are black and Hispanic.

LAWRENCE E. HARRISON
CAMBRIDGE, MA

ELLIOTT ABRAMS RESPONDS: *Considering that Harrison has now written essentially the same book three times (*Underdevelopment Is a State Of Mind, Who Prospers, *and now* The Pan-American Dream*), I thought the review about which he complains pretty friendly. I am sorry for the vicious, horrible smear that may have suggested he was a Protestant or a Republican.*

BIBI'S PEN PALS ARE SWELL

If Bill Gertz ("Bibi's Pen Pals," Feb. 3) has a problem with the pressure directed at Benjamin Netanyahu's government—including the letter Fairbanks signed—he should make that case. Instead he impugns Fairbanks without clear grounds. He says Fairbanks worked on Iraq's behalf before 1990. But so did the U.S. government and dozens of other respected people in Washington. And I bet other signatories of the letter—among them James Baker, Brent Scowcroft, and Zbigniew Brzezinski—will be surprised to find that they are agents for the Palestinian Authority, a charge Gertz implies but nowhere proves.

These men obviously had Israel's long-term survival very much in mind when they urged Netanyahu to seek peace. Far from indicting Fairbanks with this essay, Gertz has indicted himself with shallow journalism.

MICHAEL J. MAZARR
ARLINGTON, VA

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STATES' RIGHTS—WHO CARES?

What a great idea! It's just what every American longs for: Another federal agency soaking up taxpayer dollars to perform a function better managed at the state level!

Yet that is what's happening in Washington. Affiliations legislation, allowing financial services firms to merge, is under consideration, but how banks entering insurance will be regulated is unresolved.

Currently, 10,000 state officials regulate insurance. Insurance regulation is—and has been for over 200 years—a state responsibility. However, a power grab by a federal bureaucracy—the Office of the Comptroller of the Currency (OCC)—is threatening to stamp out state insurance regulatory power. Presently, the OCC is accepting comments on possible preemption of a recently enacted Rhode Island law; even before final implementing regulations are in place.

Unless this states' right is protected, the day will come when Congress will be forced to create the Federal Department of Insurance Regulation to oversee the $488 billion insurance industry—the largest industry exclusively regulated by states.

It doesn't make sense in this era of returning power to the states to allow the Comptroller—an unelected regulator—to preempt state laws and force Congress to create the Federal Department of Insurance Regulation to fill the void. The American people don't want or need another federal bureaucracy!

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the weekly Standard

Is Free Speech Outdated?

At a January 30 National Press Club luncheon in Washington, House and Senate minority leaders Richard Gephardt and Tom Daschle announced a major 1997 legislative priority for their respective Democratic caucuses. National politics, Gephardt mournfully noted, have never been "more alien to the lives of average Americans, more distant, and ultimately more disengaged." Our discourse has "degenerated into a poisonous spectacle of negativity and half-truths and outright falsehoods." It is all too much, this raucous debate.

So Rep. Gephardt and Sen. Daschle now propose that there be less of it. Specifically, and explicitly, they propose to abridge the First Amendment and grant the federal government sweeping and strict authority to regulate American political advocacy: Who may speak, when, where, for how long, and for what purpose. Why? In order to persuade public opinion that Congress is boldly determined to pursue campaign "reform," so-called. "Let's shock the people," Gephardt recommends. "Let's amend the Constitution."

Okay, we're shocked. Shocked, first, that the congressional Democratic party would formally commit itself to such a frontal assault on political speech, which the Constitution has for 210 years insulated from government restraint and penalty. And we're shocked, next, that the country's newspapers—whose own First Amendment interests are implicated, as well—haven't responded to this putrid idea by running Gephardt and Daschle out of Washington on a rail.

Perhaps the nation's editorial pages do not take these gentlemen's initiative seriously as a practical matter. Fair enough. Chances are virtually nonexistent, as Gephardt and Daschle themselves admit, that Congress will act directly to disembowel the First Amendment this year. Or perhaps our observing scribes are inclined to ignore the proposal for its too-obvious ulterior partisan purpose. The Democratic party currently faces the largest campaign-financing scandal in decades. Its congressional leaders argue that they are somehow not really guilty—indeed, that the Constitution made them do it, by sustaining a *bipartisan* electoral system that has become thoroughly infected by money.

It bears repeating here that this spin is more than simply transparent. It is a lie. At issue in the latest Democratic fund-raising controversies are not what President Clinton calls "loopholes" in an "outdated" regime of federal election law. The White House and Democratic National Committee stand (convincingly) accused of soliciting and accepting financial contributions from foreign nationals, soliciting and accepting financial contributions from concealed sources, and soliciting and accepting financial contributions using government employees on government time in government offices.

These are not constitutionally protected enterprises. They are crimes, each of them, right now, under existing federal statutes. Why the United States needs a constitutional amendment—or any other legislative "reform," for that matter—to prevent the Democratic party from violating laws already on the books is a question Rep. Gephardt and Sen. Daschle cannot answer.

But with a promise of vigorous support from the president, they will push such legislation again this year. The nominally bipartisan Campaign Reform Act of 1997 was introduced in the Senate January 21, along with companion legislation in the House. It is the same "McCain-Feingold" bill that died in a Senate cloture motion last year. Only worse: A new provision attempts to neutralize a June 1996 Supreme Court ruling that established a right to unlimited political advocacy by state-level political parties.

Previous editorials in The Weekly Standard have analyzed the McCain-Feingold measure. Suffice it to say that the bill would place severe constraints on any federal campaign activity that costs money. It would expand the realm of campaign-related speech subject to those constraints to include "any suggestion to take action with respect to an election," even by a nonpartisan public-interest group. And it would authorize the Federal Election Commission to make unilateral guesses about when such "suggestions" are about to occur—so that the commission might quickly muzzle the talk with a restraining order.

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McCain-Feingold is ugly, foolish, and blatantly unconstitutional on any number of levels. And at this point, at least, its prospects are little better than those for the Gephardt-Daschle First Amendment gambit. This year's larger Republican Senate majority is more hostile to the bill than ever. And it has an implacable enemy in Kentucky senator Mitch McConnell, who will once again, if the need arises, kill McCain-Feingold—and preserve American liberty—with a filibuster threat.

Still, campaign-finance reform will remain a front-page issue for many months. Democrats will use the scandal-charged atmosphere created by their own misdeeds to advance such reform. They will charge opposing Republicans with defending "sleaze." And they will hope that in the resulting debate, their misdeeds are gradually forgotten. So for reasons of partisan self-interest—and so that the essential principles involved don't get lost in the smoke—Republicans had better give some serious strategic consideration to precisely *how* they intend to kill the McCain-Feingold bill.

It's not clear that the problem has even occurred to the GOP as yet. Kentucky senator Fred Thompson's Governmental Affairs Committee has been charged by the Republican leadership with investigating fund-raising corruption in the 1996 campaign. He wants a large staff and budget and a period of several months in which to prepare, with public hearings not beginning until at least June. He has sworn he will let the chips fall where they may; no credible allegation of corruption—against Democrats *or* Republicans—will go unscrutinized. And he also hopes to examine "our campaign-finance system" writ large, quite apart from questions of actual past illegality, and "seek out ways in which we can improve it." Sen. Thompson has some "ways" in mind, of course. He is one of only two Republican sponsors—with Arizona's John McCain himself—of the McCain-Feingold scheme.

No good will come if the Thompson hearings are transformed into an extended pep rally for speech-quashing campaign reform. It would be nice if Republicans proposed campaign reforms with real merit. The current $1,000 limit on individual contributions to federal candidates hasn't changed a dime since 1974. It should be doubled, at least, and indexed for inflation, which would instantly cut the time candidates spend snuffling around for cash by more than half. The public-funding program for major-party presidential candidates should be abolished. That program's "voluntary" spending limits, after all, are what encouraged the Democratic National Committee to hunt so aggressively for "soft money" last year—to its current embarrassment.

And it would be doubly nice, and much more important, if Republicans announced right away, up front, this month, that they cannot accept and will not allow to pass anything remotely resembling the McCain-Feingold bill. Campaign-finance reform is not so "popular" as we are usually told. It is a low priority in most public-opinion surveys. Bill Clinton, remember, besieged by revelations from last year's campaign, now enjoys the highest approval ratings of his presidency.

Republicans have nothing to lose, in short, from no-compromise opposition to campaign-finance reform, as that idea is generally understood. And the country and its Constitution have everything to gain.

—David Tell, for the Editors

Bill Clinton: Man of Action

by Andrew Ferguson

First, I believe that this nation should commit itself to achieve the goal, before this decade is out, of landing a man on the moon and returning him safely to the earth.

—John Kennedy, Special Message to the Congress on Urgent National Needs, May 25, 1961

I ask your support for bipartisan legislation to guarantee that a woman can stay in the hospital for 48 hours after a mastectomy.

—Bill Clinton, State of the Union Address, February 4, 1997

If you were watching President Clinton's State of the Union address last week and turned off the sound—always a temptation—you still would have gotten the gist, even in pantomime. The president ran through his entire repertoire of theatrical gestures: from the JFK finger jab to the Kirk Douglas jaw flex, from the genial Reagan head tilt to the Clint Eastwood eye squint. There was even, briefly, a revival of the old favorite, the Molly Ringwald lower-lip bite, but it was quickly superseded by the Lee Iacocca thumb thrust. Each gesture, in its place, was meant to convey the speech's theme, which is that the president is a purposeful man of action and, furthermore, an active man of purpose.

For those who doubt it, there is the text of the speech itself. As any old pundit can tell you, the great technical problem inherent in a State of the Union

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speech is that it can disintegrate into a mere list of initiatives and accomplishments (a "laundry list," in the mysterious lingo of the pundit), as each cabinet department and regulatory agency inserts a reference to its own pet program. The president's speech last week did not overcome this difficulty. It bounced from toxic waste cleanup to AIDS research to United Nations dues to safety locks on guns to the vice president's annual family conference. As it turned out, all this programmatic hyperactivity served him well, as a rhetorical matter. It gave the speech a specificity his disastrous inaugural address lacked. And it created the impression of a president who is doing everything all at once.

Sean Delonas

The premise of the speech was that we, as a nation, deserve no less. The president began with a paradox, the first of many to ensnare the speech, all of them unremarked and perhaps unrecognized by him. He ticked off the good news—four years of growth, crime down, welfare rolls down, lots of trade, Cold War over—and concluded, "the state of the union is strong." The public servants assembled before him were delighted with this announcement and gave him a big cheer. Another president—a Coolidge or an Eisenhower—might have let matters rest there, dismissing the congressmen so everyone could go home and find out what happened to O.J.

But Coolidge and Ike were not purposeful men of action, on the model of our current president. Though the nation is strong, President Clinton will not rest. We face, he went on, "a challenge as great as any in our peacetime history." Our peacetime history, of course, has included many daunting challenges: depressions, financial panics, dust bowls, urban riots, Jimmy Carter. The president's challenge dwarfs them all. It is nothing less than a challenge to "rise to the decisive moment to make a nation and a world better than any we have known."

The president was surely torn here between his famous immodesty and his equally famous ambition. On the one hand, there's the state of the union, which he clearly regards as much better than any we have known, thanks to him; on the other hand, a man of action can't just do nothing for the next four years. His solution: to make this nation better than any we have known, even though it already is. "We face no imminent threat," he explained, "but we do have an enemy." The godless Reds? The dreaded Hun? "The enemy of our time is inaction." A sigh of relief: In truth, this isn't much of an enemy. If the enemy were something else—say, *action*—we might have cause to worry. Action is mobile and alert and, so to speak, active. But inaction is nothing. Inaction just lies there. We can eat inaction's lunch. We're Americans.

And as Americans we now have a president who will take on inaction. He will do this by . . . taking action. Simplest thing in the world. "Tonight I issue a call to action," he said, and in case anyone missed the point, the remarkable sentence that followed contained the word *action* seven times.

By now the president had been speaking for only three or four minutes, but with all the challenges and actions and calls and risings to decisive moments, his audience must have been exhausted. Sensing this, the president downshifted. He signaled his slower pace by starting a list. "First," he said, "we must move quickly to complete the unfinished business of our country." There are three pieces of unfinished business: "to balance the budget, renew our democracy, and finish the job of welfare reform." By this rendering, the welfare reform part seemed particularly tricky, since apparently what was unfinished about it was that we had to finish it. Nobody said welfare reform was going to be easy.

Once again the president plunged into paradox. "Let this Congress," the president said, "be the Congress that finally balances the budget." And again the Congress rose as one to whoop and cheer. Then: "I will propose a detailed plan to balance the budget by 2002." More cheers! But . . . wait a sec. By 2002, this Congress, the 105th, will be long gone. In 2002, it will be the 107th Congress that actually . . . "We need action," the president said hurriedly. "We should balance the budget now, and then . . . we must agree to

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a bipartisan process to preserve Social Security." Here, at last, is our first real taste of Clintonian action: Balance the budget now by assuming somebody else will balance it five years from now, and then—boldly, without fear of the consequences—*agree to a process*. No wonder all the congressmen were so happy.

This three-parter was only the first of the president's many lists. He turned next to education, which proved to be the heart of his speech. "My number one priority," he said, "is to insure that Americans have the best education in the world." Okay: So it may not be his *number one* priority—he had just got done saying that "first we must move quickly to complete the unfinished business of our country," which would suggest that the unfinished business is his number one priority. This is a call to action, not a logarithm. And as a call to action it is fugue-like in its complexity.

The president's education priority—call it number 1-A—is "the highest threshold to the future," and it (the threshold, I'm pretty sure) has three goals, to wit: "Every 8-year-old must be able to read; every 12-year-old must be able to log on to the Internet; every 18-year-old must be able to go to college; and every adult must be able to keep on learning for a lifetime."

Now, educationists will make two criticisms of the president's three goals. First, they aren't terribly ambitious. And second, there are four of them. But the more the better. For this threshold with the goals must support a plan that has principles—ten of them, in fact. You see what I mean about the complexity. Here the president has violated the first axiom of every speechwriter who makes a laundry list: Keep it short, and learn how to count. (Actually, that's two axioms, but who's counting?)

Even more dizzying, the ten principles aren't principles. "First," the president said, not for the first time, "a national crusade for education standards." That's not a principle, of course; it's not even a sentence. And the confusion deepens. "Not federal government standards, but national standards." Another paradox: The federal government, led by the president, "develops national tests of student achievement," but the standards are not the federal government's, if you follow me. Moreover, "every state should adopt high national standards." Yes, but if the state adopts them, they're state standards, aren't they? And what if each state adopts different high national standards? Then you've got a whole riot of national standards, which means that, as standards, they aren't standard, technically. Can that be right? Too late: The president was suddenly advocating "*world-class standards* our children must meet." Is this how they do things in Japan?

The president slogged through his ten principles. And sure enough, by the end, they weren't principles anymore, they were "proposals." Somewhere in the fourth proposal, he delivered the interesting, not to say alarming, news that he and the first lady were going to convene a "White House conference" on "the brain." Doubtless the conference will not be as ambitious as it sounds, and in this it is like the State of the Union address itself. After his ten education principles, the president's rhetoric only intensified, even as, to judge by the camera shots, his audience's interest flagged. He grew desperate: Twice he compared our present situation to the onset of the Cold War. Challenge piled upon challenge and imperative followed imperative: "We must move strongly . . ." "We must pursue . . ." "We must act . . ." His apparent urgency relied on the old rhetorical tool of the false choice. To take one example: He challenged every children's hospital to connect to the Internet. "A child in bed can stay in touch with school, family, and friends. A sick child need no longer be a child alone." No, now he can be a sick child downloading nudie pictures of Teri Hatcher.

One wonders: Does the president truly believe that without his intercession, sick children will suffer alone? Maybe so. This delusion is kin to the greatest of Clintonian paradoxes. In the State of the Union, the president reaffirmed his belief in smaller government. But he believes in smaller government that does just about everything. Here is where the speech began to bounce around, and it continued to bounce from initiative to initiative all the way to the end, when he declared: "My fellow Americans, we have work to do." We do, we do.

"Some may say that it is unusual for a president to pay this kind of attention to education," he had said earlier. He did his Dudley Doright chin lift and went on: "Some may say that it is simply because the president and his wonderful wife have been obsessed with this subject for more years than they can recall."

Who? Who says that? We will never know. Although the speech ground on for another half-hour, this was its most revealing moment, when the vanity that propels the president was most clearly exposed. There was pathos in it. The president aches for greatness; every "we must," every "I challenge" testified to that longing. It is his misfortune, instead, to be an inconsequential man for a placid time. His words and tone are Kennedyesque; his proposals are fitted for a deputy county commissioner back in his native Hot Springs. How difficult it must be for him, then, to stand in the august chambers of Congress, the people's representatives arrayed before him, with large and sonorous rhetoric unwinding from the TelePrompTer, and to realize—as surely he must, somehow—that he is all dressed up with nowhere to go.

***Senior Editor Andrew Ferguson is the author of* Fools' Names, Fools' Faces.**

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Clinton's Social Security Fix

by Fred Barnes

On the basis of what President Clinton has revealed so far, his second term won't add much to his reputation. His top priority is a balanced budget, a goal he embraced reluctantly and only because Republicans insisted. Second, he's pushing a costly education package. But even if the whole thing passes, it won't have more than a marginal impact on the public schools. Still, Clinton broods about his place in history. In *Behind the Oval Office*, political adviser Dick Morris tells of a conversation last August with Clinton about his rank in the hierarchy of presidential greatness. "Borderline third tier," Morris informed him. George Stephanopoulos, the just-departed White House aide, says Clinton often ponders "what his special role is." Now, he may have found the answer. If all goes well in the early months of his second term, he'll try to become the president who saved Social Security, from both bankruptcy and Republican privatizers.

For the moment, Clinton is not letting on. In his State of the Union address on February 4, he dismissed the issue with a fleeting reference to favoring "a bipartisan process to preserve Social Security and reform Medicare for the long run." A week earlier at a White House press conference, he was even less forthright. He said he favors "modest changes" that would prolong the solvency of Social Security "a little bit." Asked about the recent report of his administration's Advisory Council on Social Security, he declined to discuss any of its three competing recommendations for partial privatization, though he likes one of them.

Why can't Clinton talk candidly about his strategy for saving Social Security? That would be counterproductive, he thinks. Yet Clinton talks about it privately all the time. During last year's campaign, Morris says he had to warn the president frequently not to slip and talk about Social Security in public. "He worries about the Social Security issue," says Morris. "He's eager to deal with it." But if he tried to now, that might jeopardize negotiations with Republicans over a balanced budget. "If you go too quickly, you poison the well on the current budget," says Stephanopoulos. Adds Mike McCurry, the White House press secretary, "the problem with bold strokes is they could quickly serve as lightning rods for opposition."

That touches on Clinton's other reason for holding back: political survival. Just as Republicans figure any move on their part to reform Social Security would prompt demagogic Democratic attacks, Clinton fears a preemptive move by him would trigger harsh GOP criticism. It probably would. So he prefers to wait until he's been reassured by what his aides call "confidence-building measures." The most important of these would be a swift budget deal with Republicans. Even better would be a budget accord that includes a downward adjustment in the consumer price index and thus in the annual cost-of-living hikes in programs like Social Security. Though he has talked about a CPI change with Federal Reserve chairman Alan Greenspan, Clinton won't propose it. That's too risky. Instead, he hopes it will emerge in budget talks with Republicans. If so, the president's confidence about moving to a big Social Security fix will be high.

The next step is the creation of a bipartisan commission. According to Morris, the announcement of the commission will stress Medicare, but the real focus will be Social Security. The idea is that Clinton and Senate majority leader Trent Lott will stack the panel with their allies, then quietly pressure them to adopt a strong, unanimous recommendation. What might that be? First, the COLA would be reduced. Second, the eligibility age would be raised, then indexed to rise with increases in life expectancy. Finally, a chunk of the money collected to pay Social Security benefits—maybe 40 percent of it—would be invested in stocks or bonds. This revenue-raising scheme was recommended by the faction on the Advisory Council led by Robert Ball, a former commissioner of Social Security.

"My guess is the president will vehemently oppose any privatization attempt," says Stephanopoulos. In fact, investing Social Security funds in private markets *is* privatization. It just doesn't include the creation of Social Security retirement accounts in which individuals would invest their payroll taxes in the market. Clinton is bound to oppose that, says Stephanopoulos, "because it undermines the whole idea of universal social insurance." McCurry says it's also off-limits since it clashes with the New Deal legacy of the Democratic party. Of course, so did welfare reform, yet Clinton allowed the welfare entitlement to die.

Can Clinton pull off the big fix? It's possible, but note the lack of out-front leadership by the president. Clinton wants to achieve reform by subterfuge. Maybe that's the only way it can happen—through the back door. However, the whole process strikes me as Clintonesque, which means overly clever. Are Lott and other Republicans so complaisant they'll go along without pressing vigorously for Social Security IRAs? And won't liberals demand means testing for Social Security benefits or a hike in the employer's side of the payroll tax? Saving Social Security on Clinton's own terms won't be easy.

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But at least Clinton recognizes it is necessary. That, by itself, is a huge concession that many liberals refuse to make. Saving Social Security without boosting the payroll tax or cutting off wealthier beneficiaries is a conservative idea. There are liberal ideas Clinton might be tempted to pursue in a bid to make history: national health care (again), an ambitious stab at narrowing income inequality through tax reform, a Reichian effort to change corporate culture. Give him credit for not biting at those. As it now stands, the history-making accomplishment he craves is Social Security reform. Should he succeed, "it could do transformational things for him and the Democratic party," says Vin Weber, the Republican strategist. "It could make all that New Democrat b.s. real." Indeed.

Executive editor Fred Barnes is a regular political commentator on "CBS This Morning."

O.J. TRUMPS CLINTON

by William Kristol

LAST TUESDAY NIGHT, the Simpson verdict and the Clinton speech competed for the nation's attention. O.J. won. And he deserved to.

O.J. Simpson's acquittal over a year ago was an injustice. Decent people are made indignant by obvious instances of injustice. Last week's verdict in the civil trial doesn't make up for the failure of the criminal justice system. But it helps reassure Americans that the forces of justice are not entirely ineffectual, that individuals cannot simply escape responsibility for their actions, that our fellow citizens are not blind to evidence or to the truth. So I take both the verdict, and the popular interest in that verdict, as healthy signs for our democracy: We still care about justice.

Bill Clinton doesn't. He made no attempt in his State of the Union speech to argue the justice of his policies. It is not simply that he never used the word "justice." It is rather that his speech mixed the technocratic and the therapeutic in a way that precludes arguments about justice. Clinton claimed to put forth an agenda that would make our country smarter (his technocratic side) and nicer (his therapeutic side). His speech was appropriate to his vision—the nanny state. He spoke to Americans as subjects about whom the government should be concerned, not as citizens who have to choose how to govern themselves.

But Americans are not subjects. The outrage over the original O.J. verdict was the outrage of citizens on behalf of their country and their sense of justice. Except when he is asked questions about White House ethics, Clinton is unable to summon up even mock outrage. Certainly on Tuesday night he manifested none on behalf of any cause. In his world, nothing is wrong, and nothing is unjust: Everything is simply a problem to be solved or a condition to be improved.

The president did say at the end of his speech that "America is far more than a place; it is an idea." But he never tried to explain what that idea is. To do so might remind us that the American idea is inconsistent with other ideas; or that certain policies follow from our idea of justice, and that other policies—e.g., racial preferences, abortion on demand, appeasement of China, judicial usurpation—conflict with that idea.

It's fair to note that most Republicans' comments on Clinton's speech were conciliatory and "constructive;" they highlighted the extent to which the GOP, too, unfortunately has become infected with the technocratic-therapeutic ethic. (As Newt Gingrich revealingly said, "I think on far more fronts he is with us than he is against us.") There was lots of talk about how Republicans are ready to work with the president "to solve these problems for the American people," as Senate Republican Conference chairman Thad Cochran put it. But "solving problems for the American people" is Clintonism. It is not, or at least it should not be, Republicanism.

The official GOP response by Rep. J.C. Watts was better than most of last week's Republican rhetoric. Watts spoke of morality and responsibility, and even of justice. And although Watts did not really engage on many issues, he was at least willing to say that we should not ask Americans "to accept what's immoral and wrong in the name of tolerance." Watts presumably wouldn't advocate, as Bill Clinton does, giving preference in hiring to former welfare recipients. If anything, Watts's principles would suggest rewarding those who have resisted going on welfare.

Politics—real politics, not Bill Clinton's politics—is about pursuing justice and deterring and punishing injustice. Newt Gingrich should have invited as his guest to the State of the Union address the lawyer who served justice in the O.J. case, Daniel Petrocelli, not Jesse Jackson.

***Editor and Publisher William Kristol contributed to the symposium "On the Future of Conservatism" in February's* Commentary.**

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Lake Spooks the Senate

by Matthew Rees

In 1989, when Anthony Lake was toiling as a professor at Mount Holyoke College in Massachusetts, he published a well-received book about U.S. policy toward Nicaragua entitled *Somoza Falling*. Among the explanations he offered for the Carter administration's slow response to the Sandinistas' rise was a weak CIA. "It is essential," wrote Lake, "that the director of Central Intelligence be an official who is prepared to present a president with unpleasant information. When the director is a loyalist more than an analyst, an enforcer of the president's ideology rather than a skeptical and independent figure, the result can be disastrous."

Kent Lemon

Fast-forward eight years, and those two sentences take on new meaning. Far from the ivory tower now, Lake is Bill Clinton's nominee to be director of central intelligence. And one of the many questions swirling around him is whether, after four years as the president's national security adviser, he can make the transition from ideological loyalist to skeptical analyst.

Consider: In September 1996, when John Deutch, then director of central intelligence, shocked Washington by testifying that Saddam Hussein was in a *stronger* position after the U.S. bombing raids in southern Iraq that month, Lake dissented sharply in a White House session with reporters. Privately he was said to be furious with Deutch. While loyalty to the president befits a national security adviser, Lake's break with Deutch has caused some to wonder how readily he would pass on to the White House information contradicting his own analyses of the past four years. Grounds for denying him the top CIA job? Of course not. But it is one in a long list of concerns Lake must contend with as he prepares to testify before the Senate Intelligence Committee on February 25.

Lake has been embroiled in controversy almost from the moment President Clinton tapped him on December 5. First he foolishly declared he wasn't convinced of Alger Hiss's guilt. Then it emerged that the Justice Department was conducting two investigations of him: one into whether he lied about his role in the administration's controversial policy not to block Iranian arms shipments to the Bosnian Muslims, the other into his failure to sell some energy stocks upon becoming national security adviser. Richard Shelby, who chairs the Senate Intelligence Committee, says his reservations about Lake have only grown.

Don't be surprised if the reservations keep on growing. There are a number of other sensitive subjects the senators could ask Lake to discuss: White House records show that a senior Lake aide was scheduled to meet on three occasions with one of the Asian donors who have caused so much trouble for the administration. Did Lake have a role in these meetings? Similarly, in litigation involving the subpoena of Commerce Department documents, a district court has ruled that the administration improperly withheld a draft memorandum from Lake to Clinton regarding advocacy on behalf of U.S. companies in South America. Some mischievous Republican might even want Lake to explain the story he once told a *New York Times* reporter about how in 1962 he deliberately misled his draft board so as to avoid Army service and instead go to Vietnam as a Foreign Service officer.

As more information dribbles out about Lake, Senate Republicans will find it easier to end the confirmation lovefest (Albright, Cuomo, Daley, et al.) and extract a pound of administration flesh. Shelby told me, "All of these themes need to be investigated, and they will be." Indeed, Lake's hearing, originally scheduled to begin February 11, was delayed to allow the committee and the Justice Department to complete their inquiries.

Shelby, a former Democrat whose clashes with the White House prompted him to switch parties after the '94 election, has no intention of giving Lake a free ride. "Does Mr. Lake possess unquestioned integrity? Can he be an independent purveyor of intelligence to the president? Is this the right man for the job? I have not made up my mind," says the courtly Alabamian. Still, unless Lake stumbles in his testimony or is directly implicated in shady fund-raising or shameless hucksterism, he'll probably get through the committee and the full Senate. White House chief of staff Erskine Bowles has said the president is "willing to go to the mat for Tony," which should limit Democratic defections. At least two of the committee's Republicans, Richard Lugar and John Chafee, are expected to sup-

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port Lake, and another, Orrin Hatch, is a strong believer in executive privilege. It doesn't hurt Lake that he's supported by two other influential Republicans: Senator John McCain, who calls him "straightforward and forthcoming," and Robert Gates, the head of George Bush's CIA.

Should Lake be confirmed, he'll have a few advantages over the administration's two previous CIA directors. James Woolsey resigned because he thought the director of central intelligence ought to have a close working relationship with the president—something he never had. And Deutch, though liked by the president, never gained the trust of career CIA officials, who resented his autocratic ways and his obvious desire to become defense secretary. Lake should be able to avoid these pitfalls: His relations with Clinton are firm, and he doesn't see the CIA job as a stepping stone to another administration position. And Lake has another small advantage: He's extremely well versed on the CIA, having been the chief White House contact for both Woolsey and Deutch.

Does that make him the right man to lead an agency said to be demoralized by a spate of spy scandals and the absence of a clearly defined enemy? Lake is far from forceful. He's comfortable with the classroom-style give and take he knew as a professor, while the intelligence world is more akin to the military environment he's never known. His low-key approach will go over swimmingly until he encounters resistance to some request. Whether he carries a big stick is an unanswered question, though one colleague notes that when it comes to "bureaucratic gamesmanship," Lake is in a league with Richard Darman, the Bush administration's famously cunning budget director.

Sharp elbows, not to mention a stiff backbone, will come in handy for the next CIA director. Still, there's a certain irony in having the CIA led by someone who in 1970 resigned from Richard Nixon's National Security Council over the secret bombing of Cambodia. Today, the strait-laced Lake would presumably chalk up that move as a youthful indiscretion and point to the Clinton record as proof that he's no shrinking violet when it comes to clandestine operations.

All the reservations about him notwithstanding, Lake's confirmation hearings are unlikely to produce fireworks. McCain speaks for many Republicans when he says, "I wouldn't have selected Lake" for the job, but "it all comes down to: The president has the right to appoint who he wants."

Matthew Rees is a staff writer for THE WEEKLY STANDARD.

FIRST, LET'S KILL THE ABA

by Christopher Cox

ON FEBRUARY 3, 1997, at its midyear meeting in San Antonio, the American Bar Association called for an end to the execution of violent criminals "unless and until greater fairness and due process prevail." The association's policy-making House of Delegates approved the measure 280-119, over the vehement objections of the ABA's own president, Lee Cooper, *and the Clinton administration*, which sent deputy attorney general Jamie Gorelick and other officials to San Antonio to oppose it. Cooper warned that the resolution was a covert call for abolishing the death penalty, and Gorelick's argued that it could prejudice pending cases involving domestic terrorism—like the bombing in Oklahoma City.

Indeed, proponents of the ABA's action described it as largely a reaction against the anti-terrorism legislation passed by large congressional majorities in response to Oklahoma City. The key reform in that legislation limited abusive and repetitive death-penalty appeals, which routinely consumed decades. It was based on the recommendations of a commission chaired by former Supreme Court justice Lewis Powell—himself a former president of the ABA—and was unanimously affirmed by the Supreme Court last year.

In fact, the arguments the ABA embraced when it called for a halt to capital punishment had been rejected by presidents and Congresses of both parties and by the Supreme Court. The delegates claimed, for example, that the death penalty was imposed in a "haphazard maze of unfair practices," creating an unacceptable risk that innocent defendants would be executed—despite what Justice Powell described as "unprecedented safeguards," which "ensure a degree of care in the imposition of the sentence of death that can only be described as unique." They reiterated the claim that alleged racial disparities invalidated the death penalty—a claim rejected by the Supreme Court in *McCleskey* v. *Kemp* in 1987. They argued that the 1996 habeas corpus reforms, together with Congress's decision to cut funding for death-penalty appeals, unacceptably undercut the fair representation of capital defendants—even though the 1996 bill permits states to use expedited procedures only if they also establish

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minimum standards for death-penalty counsel *and* guarantee that indigent capital defendants are provided trial counsel.

The call for a moratorium on the death penalty, of course, is only the most recent proof of the ABA's self-marginalization. The organization's move to the left began well before its then-president George Bushnell called the Republican majority in the 104th Congress "reptilian bastards." In the past few years, the ABA has endorsed single-payer, Canadian-style health care or, as a fallback, the Clinton health-care plan; the most extreme racial set-asides; and funding for the National Endowment for the Arts with no restrictions. It opposed almost every element of the Contract With America that it considered. In 1992, it gave Anita Hill a special award for her "key testimony" against Supreme Court nominee Clarence Thomas.

The politicization of the ABA started in the House of Delegates, which historically limited its advocacy to issues of special importance to the members. Only rarely did it offer legislators advice, on complex legal issues. But today the House of Delegates endorses more than 750 policy positions—mostly a laundry list of left-wing causes.

To advance its political agenda, the ABA maintains ten full-time lobbyists, who press the people's representatives to turn the ABA's positions into law. Soon they will be pushing Congress to annul the bipartisan death-penalty reforms adopted just a year ago. (Interestingly, the ABA's Fund for Justice and Education receives $13 million from the government—and spends $6 million on "public service" and "governmental affairs." For three years before her recent appointment by President Clinton to head the Commodity Futures Trading Commission, Democratic lawyer Brooksley Born chaired the fund.)

The reason the public should care about all this is that the ABA plays a role in the selection of judges. In 1953, President Eisenhower invited the association to review judicial appointments in a quasi-official capacity. Its Standing Committee on the Federal Judiciary was to provide objective, nonpartisan peer review of individuals nominated to serve on the federal bench, limiting its evaluation to "professional qualifications." Every president and Congress since has solicited the ABA's evaluations, and they are often decisive.

With the ABA's steady drift leftward in the last 20 years, its judicial-evaluation process gradually ceased to be truly bipartisan and objective. In the Eisenhower era, ABA rules prohibited political or ideological tests and restricted evaluations to a nominee's "competence, integrity, and judicial temperament." But in 1980, the rules were changed to read: "The Committee's evaluation of potential nominees to these courts is directed *primarily* to professional qualifications" (emphasis added). In addition, the requirement that the ABA "not attempt to investigate or report on political or ideological matters with respect to the prospective nominees" was repealed. The new rules authorized the ABA to comment on a nominee's ideology or philosophy if he or she holds "extreme views."

These purposeful rule changes introduced ideology and politics into ABA evaluations. In 1987, acting under their nebulous new standards, four of the ABA's panelists rated U.S. Court of Appeals Judge Robert H. Bork—who had never been reversed by the Supreme Court—"Not Qualified." Bork had attained the summit of his profession in each major area of legal endeavor: as a partner at a renowned national law firm, as a tenured professor at Yale Law School, as solicitor general of the United States, and as a federal appellate judge.

In 1988, the ABA again changed its rules, this time to permit consideration of philosophy or ideology whenever it "may bear upon other factors." With this revision, any patina of objectivity was lost. The matter reached its logical conclusion in 1989, when even that restriction on consideration of "political or ideological philosophy" was dropped. The current rules simply explain that the standing committee will continue to evaluate judicial nominees as it has in the past.

In truth, the committee's biases are now so clear that partisan involvement seems virtually a prerequisite for service on the standing committee. The *Washington Post* recently browsed through Federal Election Commission reports and found that, despite long-standing rules prohibiting political activity by committee members, 11 of the 15 ABA panelists who evaluate judges have contributed to national political candidates and causes since 1991. Democrats received four and a half times as much of this ABA money as Republicans. In the past five years, two of the committee's members alone showered Democratic politicians with a total of $25,000 in cash contributions. Three current members have violated the requirement not to "contribute to any federal election campaign or political activity" during their tenure.

Given this incontrovertible liberal bias, it is not surprising that the standing committee routinely favors left-wing judicial activists over nominees who believe judges should interpret the law, not make it. An analysis by Daniel E. Troy, an associate scholar at the American Enterprise Institute, compares the ABA ratings given to judges with similar qualifications on the U.S. Court of Appeals for the D.C. Circuit. Invariably, the liberals received higher ratings.

For instance, Patricia Wald, a liberal Carter appointee, had 11 years' experience in "public-interest" law before joining the Carter administration for one year. Laurence Silberman, a conservative Reagan

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appointee, had a 12-year career in private practice, as well as serving as the Labor Department's solicitor and undersecretary and as deputy attorney general of the United States. Wald received the rating "Well Qualified." Silberman received a tenuous "Qualified/-Not Qualified."

Or consider James Buckley and Abner Mikva. Mikva, a liberal Carter appointee, worked in private practice for 18 years (for 10 of which he was also a member of the Illinois legislature). He served as a liberal Democrat in Congress for 9 years and then as a lecturer at Northwestern University for 2 years. Buckley, a conservative Reagan appointee, worked for 7 years in private practice and served for 6 years as a conservative Republican in the U.S. Senate. He was also undersecretary of state and president of Radio Free Europe/Radio Liberty. Mikva received the ABA's highest rating; Buckley a "Qualified/Not Qualified."

These examples could be multiplied many times over. Guido Calabresi, Ralph Winter, Diane Wood, Richard Posner, William Fletcher, and John Noonan are all distinguished academics. But Clinton nominee Calabresi received a split "Well Qualified/Qualified" rating, while Reagan nominee Winter, his colleague at Yale Law School, was only "Qualified." Clinton nominees Wood and Fletcher were rated "Well Qualified"; Reagan appointees Posner and Noonan "Qualified/Not Qualified." Even Clinton's nominee Charles "Bud" Stack managed to receive a "Qualified" rating from the ABA, though his main qualification for the U.S. Court of Appeals was his success at raising $7 million for Clinton in Florida. Stack's knowledge of constitutional law was so scanty that he couldn't answer the Senate Judiciary Committee's questions about landmark Supreme Court cases of recent years because he had never heard of them. The White House was sufficiently embarrassed to withdraw his nomination.

Finally, the ABA's left-wing bias has a chilling effect on judges' support for judicial restraint. When judges refuse to advocate the ABA's liberal agenda, or when they simply fail to participate in the organization's activities, they know they jeopardize their future ABA ratings. Former U.S. attorney general Dick Thornburgh put the matter neatly. By taking positions on so many highly charged issues, he said, the association fosters the assumption that it "will look more favorably on judicial candidates whose views are aligned with 'the ABA view.'"

Plainly, by the politicization of its presidents, its House of Delegates, and its judicial review process, the ABA has squandered its credibility both with the public and with its own membership, which has fallen off drastically in recent years. The ABA's call for a moratorium on the death penalty is just the latest indication of how far out of step the association is with mainstream America. In the face of this continuing provocation, Congress should end once and for all a partisan group's indefensible involvement in selecting the nation's judges.

Rep. Christopher Cox, from California's 47th District, is chairman of the House Republican Policy Committee.

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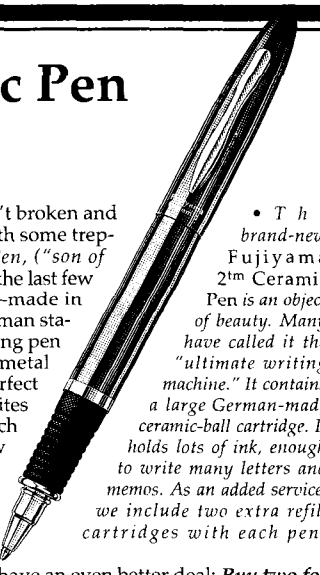

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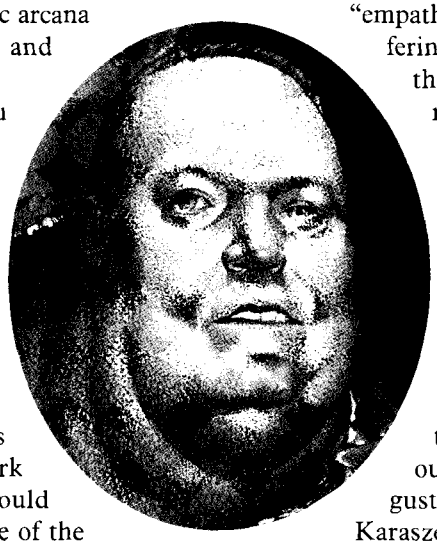
THE TRUTH VS. LARRY FLYNT

By Matt Labash

"We are the experts in Hollywood on what you can and can't get away with," says Scott Alexander, one half of the screenwriting team that just won a Golden Globe award for its latest film, *The People vs. Larry Flynt*. "Lawyers love us, because we know the rules. And as long as you don't have Jerry Falwell saying something inappropriate, it's cool."

I am seated across a conference table from Alexander and his partner, Larry Karaszewski, in their office on the Sony Pictures lot in Culver City, Calif., which is trimmed with heavily ironic arcana like framed Slim Whitman records and *Chicks in Chains* movie posters.



"So," Karaszewski asks, "are you gonna screw us?" Though I've come to like the duo, I confess, "Yes, I probably will." Not to worry; they are battle-ready for pedantic journalists, like those from the *New Republic* and *Slate* who have challenged the movie's portrait of the real-life pornographer Larry Flynt. Most of the criticism so far has centered on the fact that while Flynt was indeed the key figure in a landmark First Amendment decision, this should not be allowed to obscure the nature of the material he publishes, which is not only pornographic but includes heaping servings of racism, female evisceration, and gang rape, with scatological garnish, occasional bestiality, and child molestation (a 1986 report for the Justice Department said Flynt's flagship *Hustler* magazine depicted children sexually an average of 14.1 times per issue). No matter; Alexander and Karaszewski have thick black binders full of Nexis research and an entire bookcase packed with videos of every Flynt television appearance to disabuse me of the notion that *The People vs. Larry Flynt* lionizes a repulsive man.

They know more about Larry Flynt than any person on earth could possibly care to. And they seem to think the script they've written is an honest and objective look at him. Alexander says their critics are "being so reductive. Anybody with half a brain could see Larry Flynt is not the hero of the movie, he's the [subject] of the movie." Flynt himself has said: "The movie was true. It didn't glorify me."

Maybe someone should alert the other Hollywood celebrities responsible for the Flynt Renaissance. Coproducer Oliver Stone puts him in the "rapscallion tradition of Huckleberry Finn," imploring us to "empathize as a fellow traveler with his suffering and his triumph." Not to mention these words from director Milos Forman: "I will always admire Larry Flynt: his life, his courage, and his tenacity."

Though Woody Harrelson plays Flynt as a charming and intelligent scamp, Flynt does come across as a somewhat belligerent drug addict and megalomaniac—but one who must be forgiven his inherent flaws and eccentricities because of his sacrifice for our civil liberties. "You've got a disgusting man and a righteous cause," Karaszewski says, "and the ambiguity is what makes an interesting story." A lovely sentiment—but the movie is far less ambiguous than he thinks.

For anyone who wants to delve into the chilling specifics of Larry Flynt's life, the movie isn't just wrongheaded. Nor can its inaccuracies be excused as the result of the filmmakers' desire to entertain, rather than deliver a rigorously factual documentary. The truth is that, scene by scene and line by line, the distortions, omissions, and outright fabrications in *The People vs. Larry Flynt* make it a dishonest piece of work in almost every particular.

The film opens in hardscrabble Kentucky in 1952, as we see a 10-year-old Flynt peddling bootleg whiskey on a rickety wooden cart through the mud with what

Matt Labash is a staff writer for THE WEEKLY STANDARD.

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the published version of the screenplay calls "Huckleberry Finn industriousness" (the filmmakers share a serious Finn fetish). Quite impish, no?

And untrue. According to Flynt's own autobiography, *An Unseemly Man*, he never was an elementary-aged bootlegger; he did, however, drive legal hooch from a wet county to a dry county while in his late teens.

In fact, the seminal experience of Flynt's boyhood, to hear him tell it in the opening chapter of his memoirs, bears no echoes of Huck Finn whatsoever. It came when he deflowered a hen. Enticed by the promise of its egg sack, which he heard was "hot as a girl's p—y" but better, since chickens "wiggled around a lot more," Flynt proceeded to "thrust away." But what perfectly encapsulates Flynt's character is the concluding part of the anecdote. Finishing his business, he worried that his grandmother would notice the hen "staggering, squawking and bleeding." So he snapped the bird's neck and threw it in a creek.

This did not make the movie.

The Lawyer and the Bullet

With Flynt's having been engaged in well over 50 lawsuits, most of them libel or contempt actions, he has had myriad attorneys. So to reduce confusion, the film is forced to settle on one composite in the form of Alan Isaacman—the lawyer who garnered a 1988 Supreme Court victory over Jerry Falwell after Flynt published a parody in which Falwell supposedly confesses to having had sex with his own mother. In the film, Isaacman is portrayed as a young, unblemished idealist, barely unpacked from Harvard. He is personally revolted by *Hustler* but so passionate about the First Amendment that he has no choice but to represent the world's most repugnant porn dog. In the film, Isaacman first encounters Flynt in prison after he has been hired by Flynt's wife Althea to defend the pornographer on an arrest in Cincinnati for selling *Hustler* in violation of obscenity laws.

Also untrue. Flynt's lawyer in that case was actually Herald Price Fahringer, who tells me he was hired after being interviewed at the Parklane Hotel upon being recommended to Flynt by Al Goldstein, the editor and publisher of *Screw*. Fahringer was not young, nor did he have any apparent aversion to pornography. He had been representing pornographers since the early 1960s, and in 1982 he visibly rankled the usually staid Supreme Court by fighting New York's anti-child-pornography statute in defense of an adult-bookstore owner who sold two films depicting sexual acts by young boys.

Shortly after the Isaacman character is hired in the movie, Flynt is featured at a rally delivering a Pattonesque speech in front of a screen showing a montage intercutting naked women with mutilated bodies from various Vietnam atrocities, asking what is more obscene, war or a woman's body. "This is not a pep rally for pornography," Woody Harrelson cries out. "My conviction is simply a reminder that what we fought for 200 years ago can't be taken for granted!"

Fahringer, who is otherwise very pleased with the movie, claims credit for the oratory. "I hope it doesn't sound boastful, but I was certainly the main speaker there," he says. "I don't know whether Larry spoke. . . . But all this stuff about the First Amendment with that rear projection behind him, there was none of that, of course."

The film portrays Flynt as a man of formidable intelligence and surprising literacy. But while Fahringer says Flynt was a quick study with native smarts, he required a bit of tutelage on the Constitution, since he was an eighth-grade dropout. "In the early days," he says, "I was furnishing him with a lot of what I consider the important rhetoric of free speech and the First Amendment." (The original script did have such a scene, but it was cut by Forman.)

The real-life Isaacman actually met Flynt shortly after Flynt had been shot and crippled by a sniper's bullet in 1978. And at this point the movie's fictions multiply fast.

First of all, Isaacman was 36 years old at that time and had 10 years of trial experience. Unlike his film portrayal by Edward Norton, he was neither a baby-faced idealist nor a specialist in the First Amendment. Isaacman says he had done everything from antitrust work to entertainment law, had represented Jerry Lewis and Buddy Hackett, and had first come into Flynt's orbit not after a jailhouse interview set up by Althea but after being vetted by Flynt's in-house attorney in Isaacman's own office in Los Angeles.

Isaacman represents Flynt not just in free-speech matters, which is what the film suggests, but on all matters. And though he threatens to quit Flynt's employ in the movie, in real life he's managed to represent him for almost two decades now. Undoubtedly his inducement to stick around is a lot more powerful than devotion to the Constitution: Flynt's total estimated legal outlays over the years exceed $50 million.

In the movie, the Isaacman character takes a bullet in the same Lawrenceville, Ga., assassination attempt that crippled Flynt. This heroic sacrifice elevates Isaacman in the viewer's eyes and allows us to root for him later in the movie when Flynt begins to rant

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about the shooting and Isaacman brings him up short by saying: "Hey, I was there, too."

No, he wasn't. The man who was actually shot was a Lawrenceville lawyer named Gene Reeves, who was working for Flynt on an obscenity case. Nor did Reeves make a sacrifice for a friend: "I only knew him for a couple of days," Reeves says.

The film's epilogue informs us that Flynt's "assailant was never brought to justice." This is a half-truth at best. Joseph Paul Franklin, who shot Vernon Jordan in Fort Wayne, Ind., and has confessed to numerous killings, says he was the sniper and that he was motivated by the sight of an interracial couple in *Hustler*. The movie tasks the government for its laxity in investigating the matter, but in fact, Franklin was wanted for questioning as early as 1980, two years after the shooting, and was indicted in 1984.

"They never brought him to trial," Reeves says of the man who shot him, "because, as I understood it, neither Mr. Flynt nor myself expressed any interest in trying him due to the security risks and everything else—and if you're serving [six] life sentences for murder, aggravated assault is the least of your concerns."

FLYNT WORRIED HIS GRANDMOTHER WOULD NOTICE THE CHICKEN BLEEDING. SO HE SNAPPED ITS NECK. THIS DID NOT MAKE THE MOVIE.

Flynt publicly maintains that he doesn't know if Franklin is the shooter, but Isaacman says, "It sounds credible to me, and probably to Larry." Still, the shooting has always been a vehicle for Flynt to float the conspiracy theories that have become his stock in trade. Flynt's favorite was always that the government needed to eliminate him because he (like the movie's producer, Oliver Stone) was so interested in the Kennedy assassination. (And there is a scene in the film where that and other theories are offered, though they're all in the mouths of other characters.)

There were other theories going around immediately following the shooting that revolve around Flynt's sinister past (records I have obtained from his stay at a psychiatric prison report a spate of attempted-murder and assault-and-battery charges—one time for squeezing off a few rounds in a former mother-in-law's house). But these are biographical details that never made it into Alexander and Karaszewski's script.

Flynt's Real Past

Flynt's vocational choices—pornography, bars, and vending-machine businesses in Ohio—were a gangster's candyland. One Flynt employee had his car bombed and another was shot within eight months of the attempt on Flynt's life. The *Cleveland Press* reported in 1978 that Flynt's publishing interests were helped along by allegedly mobbed-up vending-machine companies (for many years, a Gambino crime-family porn king ran *Hustler*'s East Coast distribution). The film is mum on all this, though Flynt himself has been slightly more forthcoming: "I've known a lot of mob people in my life. I've even been friends with a couple of them. Never really done any business with them."

Maybe not, but his early days were hardly uneventful. Whether for expedience or for burnishing their protagonist's image, the filmmakers nearly always err on the side of innocence.

First, they portray Flynt as a naif who just stumbles into publishing as a way of promoting his strip bars, though by the time he started what became *Hustler* in the mid-'70s he'd already had a go at two other failed publications.

Likewise, Flynt himself has promoted the idea that he was never fixated on pornography, and had never even seen a *Playboy* or *Penthouse* until he decided to research the idea that became his own magazine (around 1972). But old Navy records of Flynt's dated 1964 indicate he "had an unusual preoccupation with sexual activities and literature." One would not know from the movie that Flynt was ever in the Navy, nor that he was recommended for administrative discharge because he had "shown much evidence of emotional instability in the past." The records also describe him as a "characteristic sociopathic personality." (Apparently, Flynt also tried to engineer his own exit by writing a letter saying he wished he were Oswald so he could've killed Kennedy. It worked.)

The film jumps directly from his childhood to his years running Hustler Clubs in the early 1970s. While the clubs look fairly sleazy, the movie still doesn't quite do them justice. Though Flynt has always taken pains to stress there was no prostitution allowed, there is plenty of evidence to suggest otherwise. Denny Haller, a retired Dayton police detective and old friend of Flynt's, says Larry once bragged to him that he made his money by selling "p—y and pills." Haller says Flynt was running a bar about three miles from a large truck terminal, "and I know he was selling amphetamines to truckers. It wouldn't have made it as a neighborhood bar" otherwise. "No way." (Another

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movie falsehood: While Flynt admits in his book that he had a nearly 10-year amphetamine habit beginning in the 1960s, the movie makes it seem as though his drug use began solely because he needed to alleviate his pain after the 1978 shooting.)

As for the hookers, "it wasn't a wide-open prostitution operation or we would've busted it," Haller assures me. But he says there is "no question" that Larry was allowing his girls to work on the side to keep customers happy. Psychiatric records from Flynt's stay at a Springfield, Mo., prison (in the movie, he is sent there after an outburst in a courtroom where he appears in a diaper made of an American flag) report his bragging to the observing psychiatrist that his "girls" were "trained psychologists and whores." And in true Mack Daddy fashion, he boasts of warding off black pimps hanging out in his bar: "I shot a n—ger in the foot for not taking his hat off," Flynt said. "They were pimping my girls." (Haller confirms the foot-shooting incident; he was one of the officers who arrived on the scene.) The psychiatric examiner at the Missouri prison also notes that once Flynt got out of the Navy, "he started hustling and was involved with bars, factories, and pimping."

The Trials

The People vs. Larry Flynt is so titled because a good deal of the action centers in and around Flynt's experiences in courtrooms; his legal battle with Falwell takes up most of the third act. Indeed, Flynt's manic courtroom antics were what first enchanted the screenwriters; they watched Flynt continuously hijack headlines by acting up in court, as when he garnered a handful of contempt-of-court citations in a two-month span. Both Karaszewski and Alexander say they adhered as closely as possible to actual trial dialogue. And indeed, courtroom exchanges do track closely with court transcripts—except for their generous sanitization.

In one scene (actually, a composite from two different trials), Flynt is upbraided by a fictional Judge Mantke for leaving the state of California against the court's orders. Flynt engages in merry-pranksterish behavior—hocking a loogie at the judge and chucking an orange at a bailiff until finally the judge explodes. In the published screenplay, the exchange reads:

Mantke (outraged): I've had ENOUGH OF THIS! Mr. Flynt, you leave me no choice but to sentence you to nine months—

Larry: That's all ya got?! GIVE ME MORE!

Mantke: Fine. I'll add another six months!

Larry: GOOD!

Here is what Flynt actually said to Judge Manuel Real: "F— you. Give me life without parole, you foul motherf—." After Real piled on 30 days more, Flynt retorted, "Give me more, you chicken-shit son of a bitch." And then added: "Give me more, motherf—. Is that all you can give me, you chicken-shit c—ks—er. Lay 18 months on me, you dumb motherf—. . . . F— you in your a—." For a topper, he threatened to kill "every motherf—" Supreme Court justice.

Milos Forman, who touts the exhaustive research he did for his Oscar-winning *Amadeus* and *One Flew Over the Cuckoo's Nest* but claims never to have bought a *Hustler*, writes in the foreword of Flynt's book: "The Supreme Court of the United States is and always will be my hero." The movie's climax gives the Supreme Court a saintly glow as it decides in Flynt's behalf.

Flynt didn't feel that way in his first Supreme Court go-around, an incident that doesn't appear in the film. It came in 1983 in a hearing involving the girlfriend of *Penthouse* publisher Bob Guccione. She sued *Hustler* for cartoons that suggested Guccione gave her a venereal disease. Wishing to argue on his own behalf but having been appointed an attorney instead, Flynt sported a "F— the court" T-shirt and, clutching a King James Bible, later shouted "F— this court," dubbing the justices "eight a—holes and a token c—."

Flynt and Keating

"The bad guys in Larry Flynt's life were like 1980's supervillains: Jerry Falwell, Charles Keating . . . powerful men who grabbed a lot of power and alienated a lot of people. With Keating in particular, the ironies were beautiful: He ran a group promoting decency while later garnering fame for bankrupting our country." So write Alexander and Karaszewski in the shooting script of *The People vs. Larry Flynt*.

Before Flynt takes on Falwell in the movie, he is pursued relentlessly in Cincinnati by an anti-pornography crusader named Charles Keating. Before his mismanagement of Lincoln Savings and Loan made him a national figure, the real-life Charles Keating did indeed cut quite a swath through Cincinnati as the head of a group called Citizens for Decent Literature. In the film, Keating makes regular appearances: monitoring Flynt, speaking at a banquet where he warns against the "destruction of the soul of our country," and ominously smiling when a judgment is delivered against Flynt inside a Cincinnati courtroom.

Unable to find any clear-cut news articles that linked Keating to Flynt's prosecution in any way, I faxed the relevant pages from the shooting script to Keating. Responding through his lawyer, Keating said

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he has never "participated directly or indirectly in any trial" of Flynt's, and he has "never spoken with Flynt, does not know him, never saw him in person."

When I brought this up to Alexander and Karaszewski, they scrambled for their Nexis binders. "Right there," said Alexander, pointing to the first *Economist* article he came to. But the article only talked about how Keating had been the godfather of the anti-pornography movement in the most general sense; it did not link him to Flynt. "Find it, Larry," barked Alexander, commanding his other half to spin through videotapes they insisted would show Keating conducting a rally on the steps of the courthouse during the trial. Keating denies having done so.

Five minutes later: "I *think* we have film of him at the trial," says Karaszewski, still frantically surfing.

Five minutes later: "We did our research three years ago, so we might be a little forgetful," says Karaszewski.

Five minutes later: "Here's my argument," says Alexander. "We're not writing history, we're writing a movie. [Keating's] group had its fingers in every major obscenity trial at that time. So where's the lie?"

Says Karaszewski: "The problem is, we've lost a lot of our tapes." Fifteen minutes after I was ready to leave, they still hadn't found it. Maybe they lost it; maybe Keating has forgotten his whereabouts 20 years before. But if he has, so has Herald Fahringer, Flynt's attorney at the time: "I can't remember whether Keating was ever in the courtroom or not. I would've thought if he were, that would've attracted my attention. . . . I certainly don't recall him being in any way prominent during that period of time either publicity-wise or taking a position against Larry or anything else."

Flynt and Falwell

Jerry Falwell definitely was in courtrooms with Larry Flynt. But there is just as much duplicity in the portrait of Falwell in *The People vs. Larry Flynt* as in the insertion of Keating as his arch-nemesis. The screenwriters, however, don't call it duplicity; they call it "dramatic legerdemain."

In the film, Falwell is brought the news about the publication of the parody from pious underlings in the cloisters of Liberty University. In reality, he was told by a reporter at a Washington press conference. We also see Keating conspiring with Falwell and offering his file on *Hustler* to Falwell's lawyer, Norman Roy Grutman.

Falwell recently told Larry King that he's met Keating only once, in a Phoenix hotel lobby years after the trial. Keating told me he has never had a conversation with Falwell about Flynt and asked, puzzled, "Who's Grutman?"

The screenwriters don't even pretend this has any basis in fact. Karaszewski just thought it was a nice "way of connecting his original enemy to his final enemy."

But there is more trickery involved with Falwell. Throughout the film, we are witness to the passionate and ultimately doomed love affair of Althea Leasure and Larry Flynt. A junkie and admitted bisexual with AIDS, Althea eventually drowned in her own bathtub. In the film, after her death and after Flynt has lost to Falwell in a district court, he sees Falwell on television. "AIDS is a plague," Falwell says. "These perverted lifestyles have to stop." This remark impels Flynt to get on the horn to Isaacman and tell his lawyer to take the preacher all the way to the high court.

Could his cause be any more righteous? No, except for one problem—Falwell did make similar remarks, but he made them in 1983, a year before Althea had even been diagnosed with AIDS. Nor could this story or any version thereof be accurate, because Althea died in June 1987—and Isaacman spoke publicly about filing his appeal to the Supreme Court six months earlier, in December 1986.

The screenwriters opt for full disclosure: "We made it up," says Alexander. But someone forgot to tell Larry Flynt, who repeats it in his book (which the screenwriters tell me he wrote after he'd seen the screenplay).

Galling and voluminous as such distortions may be, they pale in comparison to the omissions about Flynt's life and character.

Flynt and His Daughters

"Come over here and let Daddy put his big d—k in your little p—y," Tonya twangs into my tape recorder in her best version of an eastern Kentucky drawl. Her "Daddy" is Larry Flynt, and she says those are the words he spoke to her on one of her visits with him. Maybe you've seen her on *Inside Edition* or *Charlie Rose* or the scores of other shows she's done, telling whoever will listen how her father molested her between the ages of 10 and 18. She made the announcement last year in the middle of filming and has traveled well since: The first time I spoke with her, she was staying in Gloria Steinem's house in New York.

She is now courting movie-of-the-week offers, but on this January afternoon in squat, dowdy, wood-paneled 'n' cinderblock Jacksonville, Fla., she looks like

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she belongs right here—sitting on this bar stool at a Longhorn Steakhouse, slamming margaritas on my expense account and pushing roasted peanut shells onto the floor before ordering a dessert to take home to her daughter, whose life she claims Larry once threatened if she went ahead with a book about him.

She's from the part of Flynt's life that is completely ignored by the filmmakers (Althea was his fourth wife, which would come as news to anybody who has seen the movie). That's in keeping with Flynt himself, who never paid her much mind. Flynt, who has refused repeated requests for an interview, now calls Tonya a "wacko"—a point she readily concedes. "I went into the nuthouse because of what my dad did to me," she says. She shows me her psychiatric evaluation from the 11th grade, and she's definitely her father's daughter: a diagnosed manic depressive with horrible anxiety, currently on a fistful of antidepressants. Still, she says, "He's the one that's portraying cut-off body parts and severed nipples and clitorises with fishhooks in them [in the pages of *Hustler*]. Who's got the mental problem here?"

FLYNT CALLS HIS DAUGHTER A "WACKO"—A POINT SHE READILY CONCEDES. "I WENT INTO THE NUTHOUSE BECAUSE OF WHAT MY DAD DID TO ME."

Her abuse charges are unsubstantiated, as these things usually are. Flynt claims he's seen her only about 30 days to 6 weeks in her whole life; she claims she lived at his Bel-Air mansion for six months to a year in 1983. She does produce a Christmas card she says he sent her when she was a child. The inscription says "Santa Claus is Coming." On the inside, indeed he is, with his belly hanging out, among other things, as a naked girl gets him off and he showers the sky in a cloud of ejaculate.

Tonya tells me a lot of things about Larry, none of which made the shooting script. She says he welted her with a belt, had her watch porn videos, put her on a liquid diet, and weighed her in every Friday when she briefly lived with him (this is confirmed by her half-sister Theresa, who works for Flynt). Most disturbing are her claims of sex abuse. When she was 10, she says, "He would not take my panties down—he'd tell me he wanted *me* to take my panties off, he'd make me do it so I felt scared and ashamed and humiliated, and he'd get his jollies off doing that."

Believe it or don't, but there are other members of the family, who are much more reluctant to talk, but tell similar stories. Tonya's mother Peggy was Larry's second wife. He describes Peggy as "having the morals of an alley cat"—this, mind you, after he boasts in his book of cheating on her while on shore leave in Cannes, buying "twenty naked French whores, ass-end up," then working his way down the line until his back went into spasms.

A devoutly religious woman now, Peggy used to be something of a hellraiser, "but you gotta understand, I would've done anything for him." That seems to apply to most of the women in his life, as his psychiatric evaluation notes: "Mr. Flynt seems particularly frightened by women, whom he feels the need to control. He has accomplished this generally through denigration and sexual exploitation." The report goes on to cite Flynt's credo: "The man who controls p—y controls the world."

Peggy would not quarrel with that assessment. He convinced her once "to have sex for money." But, she adds, "I never did it again because I couldn't. He was involved with prostitution, he was involved with pimping girls. . . . It was not something I wanted to do, or could. I think that Larry had a need to hurt me, it was like payback, to make me as low as he could, to hate me as much as he really wanted to—because of [my] getting pregnant with Judy."

Judy, 33, is Tonya's half-sister. Judy was conceived while Larry was abroad; Peggy says Flynt had called off their relationship and that she became involved with Judy's father, Frank Reed, before she and Flynt reconciled. Larry tells a different story in his book: "My many sexual experiences at liberty ports around the world had not dampened my desire for a reunion with Peggy." He ended up marrying Peggy anyway, and also gave Judy's father such a beating that the family says he still limps to this day.

On the record, Judy says the least about Flynt, the man she believed was her biological father until she was 14. Tonya says that in 1984 Larry developed an "extreme infatuation for my sister." Judy, who was 20 then, allows that Flynt, whose letters were still signed "Dad," asked her to marry him. Though it had been nine years since she had seen the man she regarded as her father, he contacted her after being sentenced to prison in Butner, N.C., one of several psychiatric facilities where Flynt did stints in the 1980s. When Judy heard from Flynt, she had just broken up with a boyfriend and was practically destitute. Flynt begged her to come visit him; she ended up staying in a motel outside the prison for about four months, running detailed errands and getting power of attorney to help

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him handle his affairs. For her loyalty, he promised her a job and security in Los Angeles, and 13 years later, as Judy resides with her grandmother in Jacksonville, one gets the sense she is still waiting.

Judy says that behind closed doors, Larry dropped much of his manic nuttiness. Psychiatrists at the Springfield, Mo., prison had diagnosed him as suffering from a bipolar disorder, which might explain many episodes of bizarre and self-destructive behavior—like his abusive courtroom outbursts, a threat on Ronald Reagan's life, and his alleged million-dollar contracts on the lives of Frank Sinatra, Walter Annenberg, Bob Guccione, and Hugh Hefner. She says it was all publicity shtick. But he was clearly playing dangerous head games with his stepdaughter. A letter from that time shows how Flynt toyed with Judy: "Althea resents you only because she doesn't know who you are, she thinks Frank was your father [he was], and only you and I know the truth. It was my way of punishing your mother for f— everyone else except me."

Flynt and Mrs. Flynt

The portrait of Flynt's relationship with Althea is one of the film's central acts of deception. The real Althea was a drug addict and sexually promiscuous, securing women for Larry early in their marriage and often joining in. Yet if anything, the film exaggerates her flaws—a dramatic device to make Flynt look good by contrast. The worse she is, the greater her need of saving, and he is somewhat ennobled by the severity of her decline after his shooting.

In the movie and in Flynt's book, Althea tells Larry that at the orphanage where she was raised (her father killed her mother and himself) she had been molested by nuns. "Nonsense," says Marsha Rider, Althea's sister and Flynt's former executive assistant. Two years Althea's senior, Marsha says she lived with Althea in both orphanages. One was Methodist, one was a state home, and "there were no nuns."

The film shows Flynt trying to rescue Althea from drugs, which we see him kicking by 1983, though in his book he says he didn't get off the stuff until a 1994 operation completely reduced his pain. (The movie suggests he was doped up only on painkillers, when he in fact not only had a history of amphetamine abuse, but has also admitted he did the same with cocaine and opiates.) In the course of the 1980s, he overdosed no fewer than six times—including three months after Althea's death.

Though the characters must deal with his manias and their addictions, they always appear deeply in love and profoundly loyal to one another. Real life wasn't quite the same: Larry filed for divorce in 1981. He never followed through, but Marsha says her sister left Flynt at least three different times.

Marsha and her husband Bill, who was Flynt's longtime chief of security, claim that Flynt not only cuffed Althea—she admitted Flynt beat her, but in the movie we see him deliver only a simple slap, which she immediately and successfully corrects—but that he also once fired a .38 Smith & Wesson at her, a weapon Bill Rider says he had to take from his boss's hand.

Two of Flynt's most human moments in the film involve his gallantry on behalf of Althea, and both are pure fantasy. In the first, he's in prison when she breaks the news to him that she has AIDS. He responds by calling up his office, asking if everyone is there, and then firing everybody because Althea told him they had all refused to shake her hand.

Flynt was not in prison when he found out his wife had AIDS. According to his book, they were at home in their bedroom. But it is true that he regularly fired people or threatened to (including Althea, according to her sister), often for the most bizarre reasons: for refusing to take a supposed cure-all algae product called blue-green manna, or for smoking or drinking at home. But no former *Hustler* employees or members of Althea's family I spoke with remember Althea being ostracized because she had AIDS, nor do they remember Larry firing anyone for not shaking her hand.

The final scene between them is perhaps the most touching: An AIDS-ravaged Althea wants to take a bath, and Flynt tells her to hop up on his wheelchair. He pops a few wheelies, kisses her, then deposits her in the bathroom, where she ultimately drowns in the bathtub. When he sees her lifeless under water, he flings himself out of the wheelchair sobbing uncontrollably.

According to Flynt's own account, in their final days together there was "an unbridgeable gap between us" with the clock measuring "the intervals between her fixes and my doses." He says they spoke in monosyllabic grunts when they spoke at all, and she never hopped on his wheelchair. "He was too fat to pop wheelies, he could hardly push himself," says Marsha Rider.

Flynt didn't find Althea's body; her nurse did. And he was bedridden as she pulled her from the tub. Nor did he sob; in fact, the last chapter of his book is entitled "Too Numb To Weep," and in it he says he could not cry because of the drugs the movie says he had kicked four years earlier.

And though the film ends with Flynt watching video of Althea after his increasingly hollow Supreme Court victory, he was composed enough to secure him-

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self a mail-order bride just three months after her death (it didn't work out).

Flynt on Tape

Isaacman has dismissed the Riders as disgruntled employees, and indeed they were—to the tune of $8.6 million, which they won in a wrongful-termination suit against Flynt after he fired them both in 1983. Bill says Flynt asked him to perjure himself at one of Flynt's many trials, while Flynt alleged that Bill had molested his daughter Theresa. Theresa supported Flynt's story; but the jury didn't buy it.

The major revelation in a January *Penthouse* interview with the Riders was that they had an audiotape made by Althea in which Larry effectively admitted that he asked a 13-year-old Theresa to take her panties off so he could see her naked. When I called Isaacman to ask what he thought about the alleged tape, Isaacman said, "I have no reason to believe it exists at all."

I do. The Riders allowed me to listen to and transcribe the tape, which runs approximately 15 minutes. It took several hours to document every word, because while Althea had the presence of mind to make the recording, she sounds high on drugs. On the tape, her voice sometimes obscures the voices of others, and there is constant background noise from a television set, but all the parties are called by name, and nearly everything can be understood.

What transpires is horrifying. The conversation begins with a slurry-voiced but competent Althea confronting Larry about what Theresa has just told her—that her dad had Theresa lying nude right next to him.

Flynt admits, "So I told her . . . she looks a lot like her mother. I told her her mother was skinny and she had a nice-lookin' body, I think you should take my advice and we'll take off your gown, and I said 'Theresa, all you need to do is lose about 25 pounds. That's all you need to do.' I said, 'You know, I said you're built exactly like your mother.' I said, 'Your c— even looks like your mother's.'"

He goes on to say he told Theresa to take down her panties and talked to her about orgasms. He denies that he reached down her knee "like you were going to spread her legs." At that point Althea tells him she's going to call Theresa on the mansion phone and get her to come to their room. He tries to put it off until morning, but Althea makes the call anyway. While they wait for Theresa to enter, Flynt tells Althea that he's tired and that this isn't really serious, but then says Theresa is just trying to cause problems for him and Althea.

Theresa enters, and after some coaxing from Althea, she says her father had wanted to know how many times she'd done it, asked her if she had ever had an orgasm, and then suggested she take off her nightgown. She says Flynt told her he wanted to see if she was built like her mother.

Flynt explodes at his daughter: "Pack your f— clothes and get out of this house." After Althea presses him on whether he put her hand on her thigh, he says, "Althea, I didn't play with her c—." When Althea asks if he spread her legs, he says, "No, she didn't want me to, and I didn't." Theresa says, "He just went like that and then I said, 'Nooo.'" They get in an argument about whether Theresa leapt out of the bed. Theresa tells Althea she was scared, and repeats it two more times.

Flynt accuses Theresa of trying to break up his marriage. Althea turns the accusation back on Larry: "You asked to see her down there, and you asked her to remove her panties."

"But Althea," Flynt protests, "I didn't try to f— her." Althea points out that he couldn't, since he is paralyzed; he agrees. When Althea asks Flynt why he was so interested in whether Theresa had ever had an orgasm, Flynt replies, "I was just trying to keep her from being so uptight about her body. That's all, and then she runs her mouth to you. I don't want anything to do with the fat little pig anyway."

Now 27, Theresa vehemently defends her father from accusations that he molested her, though she does remember "vaguely this taping that you're talking about, but I know that Dad never did anything to me. . . . I've slept in the same bed with my dad probably over 2,000 times as a kid . . . [until I was] probably about 15. . . . It's just part of my childhood."

Just what kind of man is the real Larry Flynt? Perhaps it is unfair to take his measure from estranged children, ex-wives, former in-laws, psychiatric evaluations, and audiotaped confessions of yore. After all, someone obviously saw something redeeming enough in Flynt to seat him at the winner's table at the Golden Globes, as he has been ensconced in VIP seats on awards nights past and no doubt will be again next month on Oscar night, lacquered-up with his usual accoutrements: the Piaget watch, the pudgy Cohiba cigar, the vagina-shaped pendant with the diamond-studded clitoris.

On Golden Globes night, he sat there beaming, his girlfriend patting his quilted tuxedo shoulder while the screenwriters accepted their award, ticking off benedictions to Milos and Woody and Oliver. And then, finally, it was his turn, as Karaszewski offered a special note of thanks to Larry Flynt for, as he put it without a trace of irony, "living the life." ♦

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EMASCULATING THE MARINES

The Hysteria Over Hazing

By Tucker Carlson

One week after being sworn in as secretary of defense, William S. Cohen held his first news conference. Cohen's opening statement—his first substantial public remarks as manager of the most powerful military force in history—contained a total of 902 words. Cohen devoted 74 of those words to the Chemical Weapons Convention, 31 to the Pentagon's quadrennial defense review, and 14 to "modernizing our arsenal." He gave "the challenges of tomorrow" 21. He uttered not a word about Bosnia, China, the Middle East, nuclear proliferation, terrorism, or SDI. Instead, the bulk of Cohen's statement concerned a primetime magazine show he had recently seen on television.

The show in question was, of course, *Dateline NBC*, specifically a segment on hazing in the Marine Corps that aired late last month. The program contained video footage taken in 1991 and 1993 that showed Marine paratroopers engaged in an unauthorized ceremony called "blood pinning," in which men who had completed 10 parachute jumps received a metal parachutist's insignia pin, which was then pounded and twisted into their chests by other Marines. In the video, men moaned in pain as the metal spikes from the pins dug into their flesh, often drawing blood. The images made for jolting television. Cohen was appalled. "Abuse such as this has no place in any branch of the United States military," he declared, adding that he was personally "disturbed and disgusted" by the footage.

Gen. Charles Krulak, commandant of the Marine Corps, promptly echoed Cohen's sentiments in an anguished appearance on the *Today* show. Such hazing, said Krulak, was "disgusting," "an outrage," the kind of brutality the Marine Corps "will not put up with." Watching the video, revealed Krulak, "hits me in the gut and in the soul as if that tape was made yesterday."

By all accounts, the commandant knows something about hitting. While a student at the Naval Academy in the early 1960s, Krulak, the son of distinguished Marine general Victor "Brute" Krulak, had a reputation as an unusually enthusiastic practitioner of hazing. "He was legendary for carrying a knotted rope around and beating the piss out of plebes who straggled on their morning runs," recalls a retired Marine officer who was Krulak's contemporary at the academy.

EVERY OUTRAGE REQUIRES A VICTIM, BUT WHO IS THE VICTIM HERE? MANY MARINES WHO HAVE UNDERGONE IT SEE BLOOD PINNING AS "A PROUD TRADITION."

Petty hypocrisy aside, Krulak's ferocious response to the hazing video is puzzling. Every outrage requires a victim, but who is the victim here? The Marines who were hazed? According to Chris Scholl, producer of the *Dateline* segment, the majority of the Marines he contacted who had experienced blood pinning defended it as "a proud tradition." Doubtless others felt differently, yet not one of the men who were pinned apparently ever complained to superiors about his treatment during the ceremony. (Indeed, the videotape of the hazing came to light only when the Marine who owned it decided to raise some cash by selling it to the network.) Were the Marines cowed into silence by peer pressure? Maybe. On the other hand, the men involved were adults, every one a volunteer who had chosen to jump out of airplanes for a living. Presumably they were capable of speaking up for themselves.

Or was it the Marine Corps itself that was victimized by the hazing? The consensus among retired officers and military sociologists is that most forms of hazing, brutal or not, do not affect unit cohesion or performance in combat—in other words, the ability of the corps to carry out its task of training men to be effective fighters. Blood pinning may be against the rules, but it does not appear to lose wars.

Who, then, was victimized by the blood pinning

Tucker Carlson is a staff writer for THE WEEKLY STANDARD.

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ceremony? By all appearances, journalists, who in many cases yelped more loudly than the bleeding servicemen. "Blood pinning cannot be written off as the overexcitement of young Marines," declared writer Elizabeth Gleick in an almost hysterical news article in *Time* magazine. Entitled "Marine Blood Sports: Another Revelation of the Naked Sadism that Goes Under the Name of Hazing in the Armed Forces," the piece denounced the "military love of macho ritual" (a photo caption described it as "macho madness") and the "chilling," "barbaric," "naked sadism" it produces. "If the leadership does not put teeth into its zero-tolerance policy," Gleick concluded, "'the few and the proud' will have little to be proud of." The *Los Angeles Times*, in a foaming editorial, agreed: "No American who has seen the videotapes of young Marines being sadistically abused by other Marines in a bizarre rite of passage—who heard the screams and saw the blood—can fail to share the outrage expressed by Marine Corps Commandant Gen. Charles Krulak." Even the foreign press weighed in, the Agence France Presse in a story with the titillating headline "Videotaped Blood Rite Rocks U.S. Military."

Other reporters did their best to link blood pinning to the military's ostensibly sordid history of hazing. "Last year," the Associated Press reported by way of background, "three Army airborne officers were disciplined for their roles in a hazing ceremony called 'prop blast' at Fort Bragg, N.C., in which soldiers received mild electric shocks, were forced to wear lipstick, and had food thrown on them."

Had *food* thrown on them? Like many such accounts, the AP story lacked a certain perspective. A quick perusal of *Broken Pledges*, the definitive study of college hazing, makes it clear that the average pigeon-chested economics major at a state university can expect worse treatment from joining a fraternity. In 1979, for instance, a Sigma Phi Epsilon member at the University of Arizona was left by fraternity brothers in an alcoholic coma on the floor of a convenience store wearing only "a grocery sack, shoes and balloons. His vital signs took hours to stabilize." Two years earlier, police in Austin, Texas, stopped a moving van packed with 27 pledges who had been dipped in potentially dangerous amounts of "corn flakes, molasses, eggs and Tabasco sauce." In one particularly cruel incident at Tulane, "pledges were forced to sit in a boarded-up room for twelve hours listening to radio static."

Other fraternity members were set aflame, stunned with cattle prods, burned with chemicals, forced to eat dog food, kept from bathing for weeks, compelled to wear trousers filled with peanuts and glue, and made to spend the night naked in a closet with a wet goat that had been fed laxatives. Not to mention the scores of college students who have died by electrocution, suffocation, acute intoxication, blunt trauma, drowning, and blood loss in hazing incidents over the years. And if that sounds bad, things have, if anything, gotten better: At the beginning of this century, it was not unusual for hazing to end in gunfire.

Nor, relatively speaking, are the Armed Services experiencing a particularly virulent rash of hazing. At West Point in 1900, a young Douglas MacArthur found himself caught up in a congressional inquiry into a hazing incident in which a cadet had been killed. MacArthur himself "had been so brutalized by hazers that his body had gone into convulsions and he had ordered a comrade to stuff a cloth into his mouth should he cry out, lest he be viewed as weak or his ordeal be discovered by officers." (Encouraged by his mother not to tattle, MacArthur refused to divulge the names of the hazers to Congress.) Apparently unreformed, West Point faced another hazing scandal 10 years later, when seven cadets were expelled for, among other things, beating an underling into critical condition with tent poles. In 1915, President Wilson personally intervened in the affairs of the Naval Academy to punish 25 midshipmen for unacceptable hazing.

Far from encouraging hazing in the services, military authorities generally have worked to root it out. Indeed, the services kept up such a successful campaign against hazing that, by 1990, West Point officials were able to release a report that complained of freshmen at the academy being "forced to perform menial tasks and subjected to 'pinging,' an unnatural walking gait." Unpleasant treatment, perhaps, but a big improvement over being beaten with tent poles.

As hazing in the military became rarer and probably less brutal, the crusade against it became more vigorous, driven in part by attacks from critics of the military on Capitol Hill. One of the first things Marine commandant Krulak did after seeing the *Dateline* tape was assure reporters that the Marine Corps was searching for the men involved in the blood pinning ceremony. "We know who they are," Krulak said ominously. If Krulak's words sounded like the beginning of a witch hunt, it would not be the first. In 1995, a midshipman assigned to the submarine *U.S.S. Los Angeles* had his enlisted submariner's qualification badge, referred to as a Silver Dolphin, ground into his chest in a ceremony much like the one shown on television. Navy officials later learned of the incident and attempted to force the midshipman, a 21-year-old named Dennis O'Brien, to reveal the names of those involved. O'Brien refused, then shot himself.

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The moral of the story is not that military officials should ignore hazing—they shouldn't, especially not the potentially dangerous kind—only that hazing may be more resistant to elimination than many of its opponents realize. At his first press conference, Secretary Cohen responded to the blood pinning video by declaring his intention to "enforce a strict policy of zero tolerance of hazing, of sexual harassment, and of racism."

At first, it was not obvious what racism and sexual harassment had to do with blood pinning. There were no women involved in the incident in question, and, if anything, the ceremony was the picture of harmonious racial integration, with blacks hazing whites and whites hazing blacks side by side. Then it became clear: To Cohen, as to many of those outraged by blood pinning, hazing seemed—like sexual harassment and racism—just another noxious byproduct of "the culture of the military." The solution appeared obvious: Change the culture, eliminate hazing. The Marine Corps itself has adopted this line of reasoning and has already incorporated a "values" segment into the training regimen designed to overhaul its evidently diseased culture.

Kevin Chadwick

What's wrong with this approach to rooting out hazing? As retired general Jarvis Lynch, the former commander of Parris Island who was once responsible for much of Marine recruiting, puts it, hazing is a product not simply of military culture, but of "maleness" itself. Attempts to end hazing by changing the culture of the Marine Corps are likely to cause the service to de-emphasize the very qualities that make effective Marines—toughness, physical courage, notions of honor and achievement and obedience that are incomprehensible, even offensive, to the civilian world.

Certainly that is the goal of many of the corps's critics. "The message that must once again be unequivocally driven home is that the deliberate infliction of pain on another person is not evidence of strength or manliness," editorialized the *Los Angeles Times* in its furious response to blood pinning. In fact, in the context of the United States Marine Corps, the willingness to inflict pain and injury on other persons—like the readiness to risk one's own life—is not only evidence of manliness, it is also the entire purpose of the organization, which exists, even in the gentle 1990s, precisely to destroy things and kill people. If hazing itself is not central to the objective of the military, the savage instinct that inspires it is.

"Contrary to what you hear people say, we're not at the point where we have entirely push-button wars," explains John Hillen, a decorated cavalry officer who served in the Gulf War. Of course blood pinning is "awfully silly and stupid behavior," says Hillen, now a defense analyst in Washington. On the other hand, "You still need small groups of men to do stupid and courageous things. Macho bullshit may not be the best motivating factor, but it's the best we've got."

Meanwhile, as the horrors of blood pinning receive an extended airing in the press, many servicemen seem baffled by the controversy. "Punching on" a man's medals is a long-standing tradition in the military. At a televised ceremony in 1987, secretary of the Navy Jim Webb pinned a final star on Marine commandant Al Gray with a punch so hard that the general, then in his late-50s, stumbled backwards. Like most professional soldiers, Gray could take it. "These guys are tough, no kidding" says John Hillen. "I've commanded guys I was afraid to talk to."

At root, most of the loudest objections to blood pinning seem to be aesthetic in nature: Hazing is ugly, excruciating to watch on television, and therefore must be stopped. But is hazing so ugly that stamping it out warrants ruining a man's military career? Driving him to suicide? It depends on whom you ask. Ask a young Navy officer currently training to fly jets off an aircraft carrier about his upcoming blood pinning ceremony, and the answer seems curiously unaffected by the recent controversy. "When I get out of flight school," he says, "I expect to go through it. I look forward to going through it." ♦

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You deserve a factual look at...

Judea/Samaria (the "West Bank")

Can Israel survive without it?

With the "peace agreement" between Israel and the PLO, the Middle East and Israel have entered a new phase. There can be little doubt that it will inevitably lead to the creation of a Palestinian state—perhaps even with Jerusalem as its capital. Can Israel survive this dismemberment? And would such a development be in the best interest of the United States?

What are the facts?

The Root of the conflict. The conflict between Israel and the Arabs is not about borders and not about the Palestinians. The conflict is not about the size of Israel. It is about Israel's very existence. Israel, of whatever size and within whatever boundaries, is unacceptable to the Arabs. In surrendering strategic territory, Israel is gambling with its very life. The PLO still adheres to its infamous "phased plan." It calls for first creating a Palestinian state on any territory vacated by Israel and then using that state to foment a final allied Arab assault against the truncated Jewish state.

The Importance of territory. Many believe that in this age of missiles, territory is of little importance and that Israel should therefore not hesitate to relinquish "land for peace." But that is not the case. The Arab states have acquired over $50 billion of the most advanced armaments since the end of the Gulf War. And those are not just "conventional" weapons—enormous quantities of tanks, aircraft of all kinds, and much more. The Arab state possess large arsenals of chemical and biological weapons, and all of them work feverishly on the development of their nuclear potential. All of those weapons have only one single purpose: the destruction of the state of Israel. And that goal is not being cancelled for any agreements that Israel may make with the Palestinians.

> "Without Judea/Samaria (the 'West Bank') Israel would be totally indefensible; therefore, neither the purposes of Israel nor those of the United States are served by Israel's relinquishing control of the 'West Bank'."

For both "conventional" war and for war of mass destruction, territory and topography are critical for self-defense and deterrence. The mountainous territory of Judea/Samaria (the "West Bank") is an indispensable line of defense, especially for a country as small as Israel. It totally controls access to Israel's heartland from the east. Israel needs this high ground for defense, to be able to peer deeply into the enemy's territory and to get early warning of any attack. The high ground allows Israel to detect missiles while they are still in the launch stage and to destroy them, with the Arrow or other sophisticated anti-missile systems. Unlike the U.S., Israel cannot maintain a fleet of nuclear submarines for "second strike" deterrence. But it can maintain dozens of mobile missile launchers safe in underground tunnels hewn into the rock of the Judean mountains.

Would the "West Bank" be demilitarized? Even those who want Israel to retreat to its pre-1967 borders are agreed that the evacuated areas must be demilitarized. But that would be useless. Because the Palestinians will have thousands of trained soldiers, camouflaged as their police force. In case of war against Israel, these troops could be helicoptered in minutes to their positions, with armored forces reaching them within the same night. In any case, it is highly doubtful that the surrounding hostile Arab nations would allow such a military vacuum to exist. And finally, there is the matter of terrorism. There are over fifteen Palestinian terror organizations that neither Yassir Arafat nor any other Palestinian authority can control. There would be a constant rain of Katyusha rockets launched into the Tel Aviv area and into the entire coastal plain, which is only nine miles wide at its waist. It contains 80% of Israel's population and of its industrial and military potential. Ben Gurion airport, every incoming and outgoing flight, would be subject to mortar fire or shoulder-held Stinger attack. Does anybody doubt that the Arabs would not exploit that irresistible opportunity?

Without the "West Bank" Israel would be totally indefensible. That is the professional opinion of over 100 U.S. generals and admirals. Israel's strong defensive posture makes it most inadvisable for Israel's enemies to attack her. But once this defensive strength is removed, a coordinated war against Israel can only be a matter of time. The example and fate of Czechoslovakia, which preparatory to the Second World War was dismantled and shorn of its defensive capacity, insistently come to mind. What does all this mean to the United States? In a part of the world in which our country has the most far-reaching geopolitical stakes, Israel is the only democracy, the only country that is unquestioningly aligned with us. It is the guarantor of American interests in the area. With Israel in a position of weakness, the role of the United States in the area would collapse and radical states such as Syria, Iraq and Iran would dominate. That is why, despite the heady prospect of "peace in our time," neither the purposes of Israel nor those of the United States would be served by Israel's relinquishing control over the "West Bank."

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Hitler Could Have Been Stopped

Henry Ashby Turner and Historical Responsibility

By David Frum

Yale historian Henry Ashby Turner has made a career out of debunking myths about German history. In his 1986 book *German Big Business and the Rise of Hitler* he painstakingly refuted the Marxist dogma that large corporations funded Hitler's rise to power. In his undergraduate lectures, he drilled into his students' heads the startling observation that with a little bit of luck—a slight delay in the arrival of Prussian reinforcements at the 1866 battle of Königgratz, for example—Prussia's domination of united Germany could have been prevented, or at least moderated. Now, in *Hitler's Thirty Days to Power*, Turner is attacking the most contentious determinist doctrine of them all: that something—the contradictions of capitalism, the dislocations of modernity, an especially virulent German strain of anti-Semitism—made Hitler's ascendancy inevitable.

Many, perhaps most, historians of Germany assume that by 1933, with gun battles raging in the streets of Berlin, workers starving as the Depression destroyed their jobs, and the old elites discredited, middle-class and conservative Germans acquiesced to Hitler as the one and only alternative to either communism or a total social breakdown. Turner insists that this conventional view is wrong. Hitler took the oath as German chancellor on January 30, 1933. At almost any time that month, Turner contends, Hitler could have been stopped, if only the incumbent chancellor—a general who also happened to control the German army—had possessed a degree-and-a-half more eagerness for power. It's a troubling and depressing story. Yet at the same time, it is one that powerfully affirms the truth of individual moral responsibility in history.

Contributing editor David Frum is a senior fellow at the Manhattan Institute.

A 1933 EDITORIAL REJOICED THAT "THE MIGHTY NAZI ASSAULT ON THE DEMOCRATIC STATE HAS BEEN REPULSED."

Turner agrees that by the early 1930s, the Weimar Republic was probably doomed. But it was by no means inevitable that Nazism would replace it. The Nazis' core support was relatively paltry: They won only 2.6 percent of the vote in the last pre-Depression Reichstag elections, in 1928. The Depression—which hit Germany harder than any other European country—thrust Hitler into prominence, and made the Nazis the largest party in the Reichstag. In elections in the summer of 1932, they won 37.4 percent of the vote.

But six months later, Nazi strength was visibly declining. The violence the Nazis had unleashed to "win the streets" frightened voters. So did the increasing vehemence of their attacks on President Paul von Hindenburg and the country's traditional elite. The economic situation in Germany that fall improved slightly, too. In the November 1932 elections, the Nazis lost 34 seats.

This defeat shocked the party. It had now fought three elections in a year—presidential elections in the spring, Reichstag elections in July and November—and had run out of money and enthusiasm. Turner cites Nazi documents warning that the party had reached the limits of its popular support, and that the next election would probably bring further losses. Party members began to quit. SA units broke off to establish themselves as independent paramilitary forces. One of Hitler's most important lieutenants, Gregor Strasser, rejected his leadership.

So in early January 1933, Germany's democrats had taken heart. The New Year's Day editorial of the *Frankfurter Zeitung*, then as now the country's leading paper, happily reported that "the mighty Nazi assault on the democratic state has been repulsed."

To understand what might have happened next, we need to look at Germany's constitutional order. When the Depression hit Germany in 1930, the Weimar Constitution more or less dissolved. The Constitution granted the president power in emergencies to rule by decree. Hindenburg after 1930 granted a succession of chancellors the right to use this emergency power as his delegate, and on a routine basis. Instead of ruling like a British prime minister—

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dependent on a parliamentary majority—the Weimar chancellor began ruling like a pre-war German Imperial Chancellor, reporting only to the head of state.

The first chancellor to benefit from these immense powers was Heinrich Brüning, a deferential Catholic politician who lasted from 1930 until 1932. But as the Depression worsened, Brüning's political position deteriorated. The German people turned against him, and so—crucially—did the army. It is at this point that the tragic protagonist of Turner's story comes onto the stage.

General Kurt von Schleicher had schemed his way into control of the army's political bureau in the 1920s, but dreamed of even greater things for himself: Germany, he was frequently heard to say, needed a strong man—and at this he would thump his chest. Schleicher persuaded Hindenburg to dismiss Brüning in the spring of 1932, and replace him with a candidate of Schleicher's choice: Franz von Papen, a charming aristocratic opportunist. Schleicher would become minister of defense in the Papen government—and (he imagined) its true head. "I may not be the soul of this government," Turner quotes him as saying. "But I am perhaps its will."

Henry Ashby Turner
Hitler's Thirty Days to Power
January 1933
Addison-Wesley, 255 pp., $25

To Schleicher's dismay, however, Papen began to assert himself. Schleicher favored an economic policy that would create jobs through deficit spending on public works. Papen disapproved. He preferred a frankly reactionary mode of government, based exclusively on the support of monarchists and conservatives. He plotted a coup: one that would eliminate the last vestiges of the Weimar Constitution, and free the president and the chancellor from all democratic control. Schleicher kept scheming. He feared that a coup by Papen, a politician almost entirely without a base of support, would plunge the country into civil war. So Schleicher incited a cabinet mutiny and, on December 2, 1932, assumed the chancellorship in Papen's place. The strong man had taken the job he coveted.

But he failed to reckon with Papen's bitterness and jealousy. On January 4, 1933, the aristocratic Papen met at the Cologne home of a wealthy banker to forge a fateful alliance with the man Hindenburg sneeringly called "the Bohemian corporal."

The minute-by-minute working out of the Hitler-Papen conspiracy over the month of January is the heart of Turner's story. There's no need to recapitulate it here. What Turner wants to demonstrate is that even as Papen and Hitler plotted, Schleicher had every opportunity to beat them. He had retained the ministry of defense when he assumed the chancellorship, so he controlled the army. While some officers sympathized with the Nazis, they were outnumbered by those loyal to the chain of command. Big business mistrusted the Nazis. The unions feared Hitler and approved of Schleicher's economic plans.

Schleicher, in short, was in a position to do what Papen could not have done: overturn the Weimar Constitution with the support of the important institutions of German society, and set himself up as a dictatorial chancellor. Turner goes so far as to argue that the centrist politicians of Weimar might have been cajoled into going along, and putting a façade of respectability on a "temporary" suspension of constitutional govern-

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ment. "At the time of Schleicher's chancellorship," Turner concludes, "no insuperable obstacles stood in the way of military rule by an ambitious and able general."

But, as Turner notes with disgust, Schleicher allowed Papen's plot to undercut him. In December and January, the resentful Papen poisoned President Hindenburg's mind against Schleicher. The full arsenal of presidential decree power—made available first to Brüning and then to Papen—would no longer be at Schleicher's service. Turner believes Schleicher could have seized full dictatorial power anyway. Instead, he quit. Schleicher and Papen now jointly suggested to Hindenburg that he choose Hitler as the next chancellor—Papen because he (with characteristic stupidity) believed that he would be the real power in a Hitler government; Schleicher to spite Papen. From that point on, Germany was unrescuable.

Would undemocratic rule by a General Schleicher have been preferable to Hitler's Reich? To the non-utopian Turner, the question is not an idle one. A German military dictatorship

> would have been authoritarian, but not totalitarian; nationalistic, but not racist; distasteful, but not demonic. . . . It might have filled prisons with political opponents, but it would not have populated an archipelago of concentration camps and staffed them with sadists. It would not have made anti-Semitism a matter of government policy or embarked upon a systematic program of genocide.

It might have started a war with Poland to retake the eastern territories lost at Versailles, but it would not have declared war on the entire industrialized world.

Nor would the dictatorship have lasted long:

> Like all military regimes in countries that have experienced popular sovereignty, it would have had difficulty in laying claim to legitimacy, and it would very likely not have long survived its dominant personality. Sooner or later, the generals would have fallen out among themselves and Germany's republicans would have reasserted control over the state.

Americans tend to be impatient with the argument offered by realists like Jeane Kirkpatrick that less lucky countries sometimes have the choice only of more or less evil governments. But Turner calls on us to think again. Just as a Schleicher dictatorship would have been better than Hitler's, Franco's dictatorship was better than communism for Spain, and the shah was to be preferred over Khomeini for Iran. The day may soon come when America will have to learn to think this way about Russia.

Turner's book has another moral implication. If history might have gone differently had the persons in authority made better choices, then we are entitled to put the blame for history's evils not on impersonal forces, but on the men who chose wrongly or wickedly. Schleicher was punished by the Nazis he helped bring to power: He and his wife were gunned down by them in June 1934. But Franz von Papen survived Hitler and the judges at Nuremberg to receive honors from the Vatican and die at ninety in 1969. The Allies may well have been right not to hang him—but people who explain the Nazi rise to power with deterministic theories risk exonerating him altogether, and in that they are very wrong. Evil is everywhere and always the work of individual and identifiable men. It is the responsibility of historians to keep that truth in mind. Victims of wrongdoing have always threatened their oppressors with the judgment of history. To withhold that judgment is to withhold the only justice that the living can render the dead. ♦

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A Masonic Plot

Pedantry Spoils the World War II Memorial

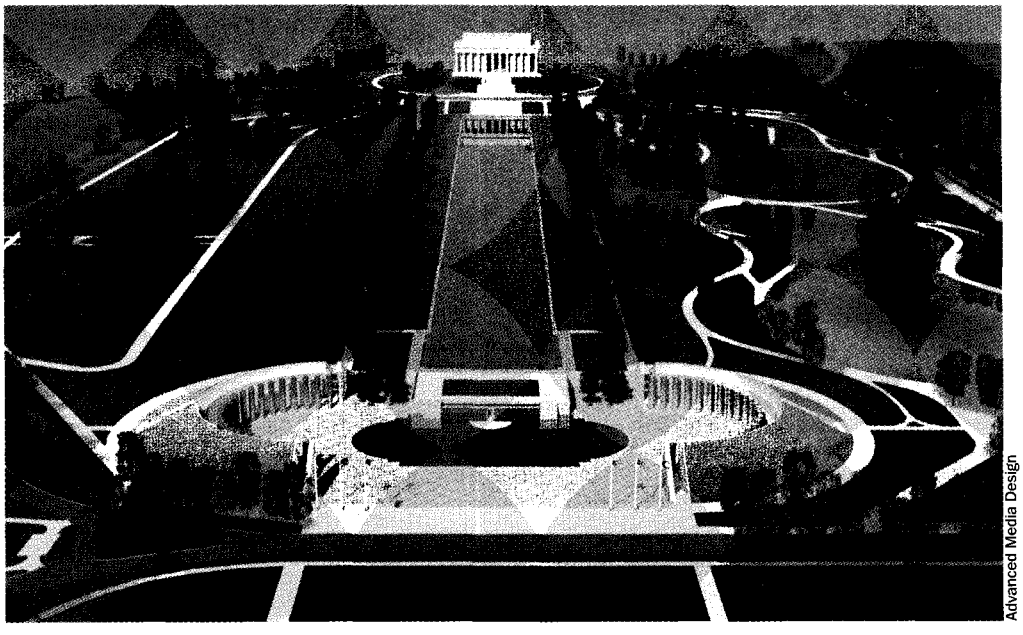
By Michael J. Lewis

The Mall in Washington is about to receive the city's first unapologetically classical monument since the Jefferson Memorial was completed in 1943. After a controversial competition, the American Battle Monuments Commission has approved a World War II Memorial for construction by the end of the century, before the passing of the generation that fought the war. Remarkably, in this age of architectural irony and wit, the commission has opted for a scrupulously traditional design. It is clearly good classicism. But is it a good monument?

The competition presented a puzzle: A memorial was to be placed between the Lincoln and Washington monuments, deferential enough not to disrupt the axis between them but heroic enough to invoke the magnitude of the war. Something epic was needed, but also something transparent. The winner, Friedrich St. Florian, an Austrian-born architect practicing in Rhode Island, took for his model another great monument that marks a space but also leads to a monument beyond it: the great oval piazza that Bernini placed before St. Peter's.

Michael J. Lewis is assistant professor of art history at Williams College.

The focus of the design is the Rainbow Pool, an existing feature that St. Florian surrounds with a paved plaza for memorial gatherings and ceremonies. To the north and south he places semicircular colonnades, each with 25 fluted-stone columns (one for each state), with no capitals and no architrave. These hemicycles establish a cross-axis on the Mall that fits happily into Pierre L'Enfant's original plan for the city. They are especially handsome. Such is the traditional part of the design.



Advanced Media Design

Less traditional is what lies beyond: raised earthen berms, planted with roses, beneath which is concealed a subterranean array of "special rooms or halls of honor and remembrance, multimedia interactive education facilities," and the inevitable "visitor information center." Here the World War II Memorial falls short.

In architecture as in romance, one cannot truly be serious until one thinks of making things permanent. In the late 20th century we have difficulties with both, and for the same reasons. It takes a certain amount of confidence to pledge something permanent, a confidence of which the last century had rather too much and we rather too little. This is why there have been few successful monuments in the second half of the century and, with the possible exception of the Vietnam Memorial, none that can be called sublime. For us, the monumental impulse seems fatuous and simplistic, which is why we tend to hedge our bets, adding a visitors' center in case the monument itself is not quite enough.

The World War II Memorial, for all its homage to the war dead, pays just as much homage to modern pedagogy, the idea that complex events or ideas must be "interpreted" to the visitor. (St. Florian cannot be blamed for this; the competition brief

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demanded it.) Anyone who has dropped in to a well-managed historic site recently will recall moving through an itinerary of lessons and messages presented with the cheery efficiency of a ride at Disneyland. Where visitors were once presumed to bring a store of common knowledge, they are now presumed to be both ignorant and impatient. The approach is frankly schoolmarmish.

Explanation and commemoration are at cross-purposes, and the didactic impulse undercuts the commemorative. The most affecting war memorials—the sublime British monuments built on the battlefields of World War I by Edward Lutyens, or our own Tomb of the Unknown Soldier—are tragic, and serve as a kind of national altar. If you attach explanations and qualifications to an altar, at some point it is no longer an altar. Monuments are not obliged to give equal time.

The monuments that have been enduring and successful have been those that presented a single clear idea, such as grief, triumph, or sacrifice—stated boldly and emphatically. They tend not to be prosy, but rather lapidary (a word, by the way, that referred originally to the terse style needed when carving in stone). The old Civil War monuments did this quite well, simply recording where the local regiment fought, and it is difficult to imagine a more moving inscription than the simple roll call of Antietam or Chancellorsburg or Gettysburg.

But when explanations and exhibits are laid out as guides, the monument feels not like a cemetery but like a classroom, and this is a loss. A young child who sees words like Midway, D-Day, or Arnhem carved above him will need to know what those words mean. But he will learn a lot more about them if he sees someone else reading them and weeping than he will from all the exhibition panels in Washington. ♦

Tammy Wynette Was Right

Divorce and Its Fallout

By Brigitte Berger

In a 1993 *Atlantic* essay called "Dan Quayle Was Right," Barbara Dafoe Whitehead, then a research associate at the Institute for American Values, made the case against single parenthood that academic writers had long refused to make. That is, in blunt, accessible language and using widely available evidence, Whitehead argued into the teeth of elite opinion that single parenthood is bad for children. *The Divorce Culture* expands on that argument. In eight brief chapters Whitehead insists that the unraveling of family ties is a society-wide moral problem that spells disaster for America's future.

Barbara Dafoe Whitehead
The Divorce Culture
Knopf, 224 pp., $24

The "divorce culture" of which Whitehead speaks took less than a decade to emerge. Prior to the mid-1960s, when divorce was viewed as a legal, familial, and social issue with multiple shareholders, marital dissolution was rare and deplored. Guided by the self-actualization claptrap of "liberation therapy," the 1960s counterculture changed that. Its emphasis on the primacy of "emotional needs" not only devalued marriage; it actually severed the needs of fathers and mothers from the needs of their children.

Proponents of "expressive divorce" made extravagant promises for personal growth and happiness, promises that were occasionally delivered on—but always at the expense of children. As legions of therapists and feminists entered the debate, declaring marriage unjust and unhealthy, divorce soon came to be seen as "the defining achievement of women's lives, the great article of their freedom." By 1979, the American divorce rate had peaked at 22 per 1,000 marriages. (It appears to have stabilized at a 1994 rate of 20 per 1,000.)

Whitehead is at her most convincing when she spells out what the divorce revolution has wrought on children. Post-nuclear-family life—i.e. the family life of never-married single mothers, divorced mothers who remain single, and reconstituted step-families—has "dramatically eroded the economic, psychological, and geographic bases" for the upbringing children need.

On the psychological level, Whitehead argues, parental bonds have weakened, as marriage has become a more provisional thing. On the economic level, the inevitable decline in the father's economic sponsorship has worked to the detriment of children.

On the political level, the family has become less free, able, and willing to govern itself. Parents' search for greater individual freedom has inevitably brought the state into the inner life of the family to take up the slack—to regulate child custody and visitation rights. The evidence, which Whitehead summarizes skillfully, shows divorce sends children into a downward spiral. *Regardless of economic or social status*, divorce "is an important risk factor for school dropout, problem behaviors, lower educational and job achievement, and likelihood of teenage parenthood."

Some feeble attempts to appear to

Brigitte Berger, who teaches sociology at Boston University, has written widely on issues of family and social change.

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be politically even-handed aside, *The Divorce Culture* is a ringing endorsement of the conventional nuclear family of father, mother, and their children, and an unmitigated indictment of its enemies. It is the old, familiar nuclear family that remains the best guarantor of a child's well-being, and of its success in schools and life beyond. Whitehead even goes as far as to suggest that America is in the process of sorting itself out into two distinct sub-societies, with children who enjoy the benefits of a traditional nuclear family likely to be better prepared for life in the post-industrial world.

Unfortunately, Whitehead's account of the nuclear family is historically thin and far too psychologistic for my taste. She fails to appreciate the nuclear family's close connection to the market economy and civil society, which anyone concerned with America's future must attempt to bring out. Whitehead's psychologistic focus prevents her from drawing these links. By the same token, her determination to stay away from the most contested issues of contemporary family life—abortion, gay marriage, etc.—gives her otherwise admirable effort what Virginia Woolf would call a "cotton-wool quality." Most unfortunately, Whitehead tells us nothing about modern marriage, which is the real problem.

What's more, Whitehead's use of the term "culture" for the revolution she observes is loose and misleading, implying that divorce is the root cause of our current cultural difficulties. The anti-institutional animus of liberation ideology has permeated all of society's institutions, not just marriage. Whitehead's disregard of this central fact of "post-modern" life and her inability to place the divorce revolution into a wider cultural context robs her otherwise powerful message of theoretical depth and seriousness.

Nonetheless, Whitehead succeeds in showing us how an ideology designed to liberate women from the strictures of conventional marriage has left their choices even more constricted. The chimeras of self-actualization aside, divorced mothers are not much better off today than their "trapped" counterparts of thirty years ago. On the other hand, the vast majority of *children* of divorce have been unambiguously and irredeemably harmed by their parents' self-serving choices.

Rather than taking refuge in far-fetched arguments that "it takes a village" to secure the well-being of the nation's children, it has become clear that the interests of the child are still best served by the steadfast commitment of parents to each other. ♦

FASHION FOR REAL WOMEN

Christian Dior and His Enemies

By Pia Catton

On February 12, 1947, Christian Dior rescued fashion from utilitarianism and wartime thrift. With the New Look, his debut collection of dresses and gowns, Dior asked Paris to reclaim its standards for fashion. This month, the Metropolitan Museum of Art's Costume Institute has marked the show's fiftieth anniversary with an exhibit of Dior's work. And fashion historian Marie-France Pochna has published a new biography, *Christian Dior: The Man Who Made the World Look New*. The title fits. It's not that luxury and taste were unknown before 1947; it's that they had been forgotten for so long that they indeed seemed new.

From *Christian Dior* (Arcade)

The New Look was not so much a "new look" as a throwback to the Belle Epoque, inspired by the femininity and grace Dior associated with his mother. New Look dresses had a few key components: a long, full skirt, a tight nipped-in waist, and a neckline cut to emphasize the décolletage. Pochna describes the look as "woman incarnate—unashamedly flirtatious in her nonchalant disregard of the stir she was causing, sensual, sensational, crazily chic and, above all, supremely sure of herself."

With dramatic speed, this buxom

Pia Catton is a reporter at THE WEEKLY STANDARD.

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look replaced the wartime style of short, straight skirts and boxy jackets. It ignored economies—some of the dresses used twenty yards of fabric, at a time when the average dress used three. Dior was a master marketer who changed the line of his collections every season—the H-line, the A-line, the Y-line, the Tulip, the Arrow—and soon entered the field of fashion accessories, which today are even better known than his dresses. But he also saw himself as locked in a crusade for elegance. His assistant Jacques Rouët described Dior's overriding goal as "to spread the French idea of elegance and good taste while being pragmatic about the degree to which standards of living had developed in different parts of the world." That is, Dior was seeking to overthrow the anti-beauty of the wartime years.

In today's styles—loose, casual, unkempt—anti-beauty is back with a vengeance, and without a global military conflict as an excuse. In the very midst of all the commemorative homage to Dior, devotees of contemporary style view him and his New Look as old-fashioned and foolish. Such influential critics as Amy M. Spindler of the *New York Times* have been brutal. "The New Look is the antithesis of sexy," Spindler wrote in a recent column, "its stern matronly form the shape of the uncompromising mother nobody wants." Spindler is being shallow here, and has sexiness confused with exhibitionism. Dior can be faulted for designing uncomfortable clothing that does not meet our standards of brashness. He cannot, however, be accused of making un-sexy clothing.

Spindler is only reflecting what is conventional wisdom in magazines, on runways, and in the writings of the leading fashion critics. Today's high fashion celebrates anti-beauty similar to that which Dior fought. Top models look malnourished, sickly, and strung out. Designers who do create for real-life figures are stuck on minimalism or obsessed with androgyny. The pernicious role of Calvin Klein in spreading this look was made plain when Carolyn Bessette-Kennedy, a former Klein publicist, got married in a dress that could have been mistaken for a nightgown. Gucci, too, has been a particular offender. For its 1997 spring collection, the house sent its models out looking like they had been in a bar fight and lost half their clothes on the way home.

Marie-France Pochna
Christian Dior
The Man Who Made the World Look New
Arcade, 314 pp., $25.95

It's doubtful the ultrafeminine virtues of the New Look could be revived today. The dresses were expensive and notoriously uncomfortable. Some evening gowns were so heavy that women couldn't dance in them. With the return of the corset, women needed an extra pair of hands to fit themselves into the dresses.

But there is a happy medium here. Dior's colleague Coco Chanel was among the first to seek it, turning away from sixty-pound dresses to pantsuits. Chanel, however, unlike most contemporary designers, refused to compromise on femininity and suggestiveness as Dior would have understood them. It was Chanel, after all, who once said, "I like fashion to go down into the street. But I cannot accept that it should originate there." ♦

TIME-SERVER

Henry Grunwald's Life as an Editor

By Stephen Bates

As a boy in Vienna, Henry Grunwald dreamed of becoming an inventor or an engineer, "the most typically American occupations." Instead, as the Age of Edison gave way to the Age of Woodward and Bernstein, he wound up in journalism, and he wound up at the top. Editing *Time*, as he did for almost a decade, might demand impossible hours, but it provided "an excitement unknown to civilians who lived by a conventional clock and calendar." It was a career he adored, as he shows time and again in his amiable memoir *One Man's America*.

Henry Grunwald
One Man's America
A Journalist's Search for the Heart of His Country
Doubleday, 658 pp., $30

The name-dropping starts before our narrator is out of knickers, when he develops a crush on a Vienna schoolmate who happens to be Dr. Freud's granddaughter. Over the pages that follow, Grunwald's pal Norman Mailer admits to finding Margaret Thatcher sexy ("a feeling I could not share"). Marilyn Monroe urges Grunwald to read a new novel called *Catcher in the Rye*. In the bathroomless dressing room at the Vienna Philharmonic, Leonard Bernstein tells the Grunwalds that "all the great

Stephen Bates is the author of three books, including If No News, Send Rumors: Anecdotes of American Journalism.

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conductors in the world have peed in this sink."

In 1972, Henry Kissinger begged that *Time*'s Man of the Year honors go solely to President Nixon, and not jointly to Nixon and Kissinger as the magazine had planned. "The President is really upset," Kissinger reported. When Grunwald wouldn't oblige him, Kissinger took his complaint to Grunwald's boss, Hedley Donovan. "I told him," recounted Donovan, "that if he didn't stop pressuring us, we would put him on the cover alone."

Grunwald has few scores to settle. Instead, he tells agreeable stories of life at *Time*. He gives a number of expense-account tales, including a submission for "orchids and caviar for Maria Callas, as well as pâté for her poodle," reimbursed without question. "Another reporter put on his expense account the single and unelaborated statement 'Trip down the Nile, $25,000.' Granted, but correspondent subsequently fired." Grunwald repeats the legend of the reporter who, after being given an insultingly measly raise, cabled the home office using coinages to save a few pennies on telegraphy: "Upstick your raise asswards."

After his stint as managing editor, Grunwald left the newsroom for Time Inc., where he eventually became editor-in-chief. They were not his proudest years. He became editor in chief of the company's publications just as the newsmagazine niche was vanishing.

"Very much aware that the previous regime . . . had produced *People* and *Money*," Grunwald writes, "I was greatly frustrated by the lack of similar accomplishments on my watch." The company closed the money-hemorrhaging *Washington Star*, launched *Discover* and sold it off because it was losing money, and poured nearly $50 million into the disastrous *TV Cable Week*. Already, publishing accounted for only about a third of the company, with the rest divided between cable TV and forest products. Time Inc. was well on its way to becoming just another faceless conglomerate, in which the editor in chief no longer ran the show. It was a time of budget-cutting; no more pâté for poodles.

Grunwald's saga comes full circle when he returns to Vienna as the American ambassador. Looking back as he prepares to leave Time Inc., Grunwald calls journalism "great work, a pass to all the world" and "important to democracy," but bothersome on two levels. First, it's superficial. Journalists tend to be generalists, hiding behind (in the case of newsmagazines) smart-assed omniscience: "I had often felt uneasy passing judgment on stories about nuclear physics or the validity of the Laffer curve," he writes. Second, journalists too often lose sight of their role. "A journalist," he says, "must never forget that he is only an observer and, almost by definition, an outsider. Deep commitment to a cause is laudable in anyone else, but in a journalist it is not permissible."

Like *Time* itself, Grunwald aims not merely to report but to explain. The explanations, alas, rarely rise above conventional wisdom. After the Quiz Show scandals, "Americans felt betrayed." Only "a certified anti-Communist like Nixon" could have established relations with China. At times the author comes across as poignantly fogeyish, as when he relates that "I sometimes told Beverly that we should have more black friends, and she agreed."

One Man's America—padded out with quotes not only from Grunwald's magazine articles and internal memos, but also from his high school compositions, poetry, and after-dinner remarks—is far too long. As a person, Grunwald appears graceful, gracious, and likeable. As a writer, he is polished and unostentatious, but unacquainted with that paramount newsmagazine virtue: brevity. ♦

THE BOW IDÉAL

How Much Fame Does Itzhak Perlman Deserve?

By Jay Nordlinger

Many who would never dream of attending a violin recital have warmed to Itzhak Perlman. Voluble, funny, and charismatic, he has traded quips with David Letterman and appeared on *Sesame Street*. He has garnered Grammys and Emmys with boring regularity, and a *Newsweek* cover story named him "Top Fiddle." Last year, he was the TV color man for that apotheosis of classical-music popularization, a Three Tenors concert at Dodger Stadium. Left unable to walk by childhood polio, he has long been a spokesman for the disabled.

Fame is nothing new to him. Perlman was appearing before the public at an age when most boys are chuckling at comic books. Born in Tel Aviv, he emigrated with his parents to New York when he was 13. That same year, he was on *The Ed Sullivan Show*, chubby and grinning, ripping through *The Flight of the Bumblebee*. He soon developed the sound that set him apart—big, lush, confident, and adaptable, as recognizable as a family member's voice. It can bend to all

Jay Nordlinger is associate editor of THE WEEKLY STANDARD.

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types of music, from the Baroque through the Classical and Romantic to the contemporary. It stands in dramatic contrast to today's influential "original instruments" movement, which advocates the use of period instruments and the adoption of older notions about sound—such as that it ought to be thin and vibrato-less. (Perlman has little patience for it: "I turn on the radio these days," he says, "and all I hear is scratch-scratch and hoot-hoot.")

The violinist, now 51, is accused by some of coasting. But there was little evidence of that at a recent Washington recital with his longtime accompanist, the pianist Samuel Sanders. He began with the *Fantasy Pieces* of Schumann, a good choice: Perlman is an effective Romanticist because he has the discipline to rein in the emotions and let the composer have his say.

He followed with the Brahms G-major sonata, one of the loveliest works in the repertory. It has a sublime, ethereal opening that is often butchered. Perlman, however, entered as though picking up a thread of sound already begun. The slow movement, in particular, showcased Perlman's exceptional phrasing—his ability to reproduce musical sentences with their correct punctuation and awareness of the whole. He has a refined sense of loud and soft and all the gradations in between. There were some technical glitches along the way, but musicianship won out, as it always does against a missed note or two.

Perlman has some sixty-five recordings available at the moment. One of the more recent is *The American Album*, which features music of Samuel Barber, Leonard Bernstein, and Lukas Foss. Perlman is in excellent form in these angular, often beautiful compositions, and he is ably partnered by the not-always-dependable Boston Symphony Orchestra and its conductor, Seiji Ozawa.

Henry Hinton

Perlman's klezmer album, *In the Fiddler's House*, is a "crossover" effort. But what Perlman has crossed over to is, as he says, "in my blood." Klezmer music comes from Eastern Europe's Jews and is performed on a variety of occasions, most of them gay. The music has the strange capacity to be melancholy and merry at the same time, as though taunting and defying unnamed miseries. In it, Perlman's violin dances, wails, swoons, and snickers. Classical musicians—singers in particular—have always honored, and classed up, the folk music closest to their hearts, and Perlman does his bit with panache.

Those with a few hundred to spare may wish to purchase EMI's 21-disc *Itzhak Perlman Collection*, there for the judgment of posterity. But if it were possible to have only one disc, it should probably be Perlman's recording of the Beethoven violin concerto—one of the noblest statements of that composer—with the conductor Gian Carlo Giulini. Every violinist must submit to the challenge of this work—a spiritual challenge more than anything else—and how the player handles it reveals much about him.

Every now and then there comes a classical musician who enters the popular imagination: Caruso the tenor, Toscanini the conductor, Horowitz the pianist. And for a long while—some fifty years in the middle of this century—it was Heifetz the violinist. Isaac Stern once said of Heifetz, "He was the sound in every player's ear as we were growing up." Now it is Itzhak Perlman who is the carrier of that sound. The world thinks of Perlman as the greatest violinist alive, and treats him accordingly.

By a happy accident, he is, and it should. ♦

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Inside: Foo
Today's Cont

FRIDAY, FEBRUARY 6, 2002

Prices May Vary in Areas Outside Metropolitan Washington (See Box on A

Gore Urges Bridge to 22nd Century

By Dan Balz
Washington Post Staff Writer

In a State of the Union address that evoked President Clinton's now-legendary speech of five years ago, President Gore embarked on the second year of his administration by urging Congress to build on the domestic record of his predecessor.

Gore asked Congress to raise education spending, which is still only 125 percent of gross national product, despite the huge hikes in the federal budget during the second Clinton term. "America is 20 times better than Canada," Gore said, "and it is unconscionable that we should only be spending 10 times as much on education." He also proposed expanding the Family Funeral Leave Act, the first legislation he signed as president last year. All ordinary Americans should be able to take time off from their jobs for funerals, said Gore, who related his own personal trials from the presidential campaign two years ago, when his family members and those he described as "close personal friends" began to die at the rate of three or four a week.

But the centerpiece of the address was the president's proposed Universal Patient Act, which would allow more people to enjoy longer hospital stays. "A great American, my good friend and predecessor Bill Clinton, started us down this path," said Gore, "and I want all of us to dedicate ourselves to the fulfillment of his vision. It's time that every American, without regard to race, creed, national origin, Vietnam Veteran status, Gulf War syndrome status, sexual preference, or vehicular engine preference, be allowed to stay in the hospital, not just for 48 hours, but for as long as she or he desires, and with full Medicare reimbursement."

Departing from his script for an emotional 85-minute vignette, Gore mentioned his fifth cousin four times removed, Abner McGillicuddy of Bangor, Maine, who died after a tubular ligation last summer. "He was my best friend," Gore said. "I'll never forget that final night in the hospital, and the look of understanding in his eyes as he took my hand and said, 'Ooooh! Owwww! They done shorn it plumb off! Yow! Yowza!'" Fighting back tears, Gore said, "I vowed then and there that I would not rest until Abner's vision of a 3 percent waiver of the depreciation allowance on domestic capital expenditures for high-tech manufactures became reality."

Gore issued a call for Republicans to join him in the effort, and found support from his closest ally of the past 18 months, Democratic whip Newt Gingrich. "They should c'mon in, the water's fine!" Gingrich (D-New Columbia) told reporters after the address. Gingrich described Republican ideology as "bankrupt and sick, frankly, and really kind of pathetic and sad."

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